

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

WEDNESDAY, JUNE 16, 2021 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Nicolle Aube, Hayden Beckman, Joanna Cortez, Patty Malagon, Isela Siordia

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 20-022/COASTAL DEVELOPMENT
PERMIT NO. 20-019 (SEAWITCH SFD - Lot 81):

APPLICANT:	Harry Monck, 303 Cleveland Dr., Huntington Beach, CA 92648
PROPERTY OWNER:	Nilofar Abawi, 16791 Sea Witch Ln., Huntington Beach, CA 92649
REQUEST:	To demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot. This application requests to construct an approximately 5,676 sq. ft., two-story single family dwelling with an approximately 822 sq. ft. three-car garage, 741 sq. ft. 2nd floor deck, and a 918 sq. ft. 3rd floor deck.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act. Appealable
LOCATION:	16791 Sea Witch Lane, 92649 (north side of Sea Witch Ln. between Bolero Ln. and Finisterre Dr.)
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 permits.

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

THE PUBLIC HEARING WAS OPENED.

Harry Monck, applicant, stated that he read the staff's recommendation and made comments regarding the third floor stairway windows and expressed his thoughts to keep the windows in place. Mr. Joseph Monck, project draftsman, stated the windows will help with cross ventilation.

Mr. Ramos explained that the recommendations made are based on code requirements.

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. 20-022/COASTAL DEVELOPMENT PERMIT NO. 20-019 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 the construction of one single-family residence within a residential zone.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 20-022:

1. Conditional Use Permit No. 20-022 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 81 an approximately 5,676 sq. ft., two-story single family dwelling with an approximately 822 sq. ft. three-car garage, 741 sq. ft. 2nd floor deck, and a 918 sq. ft. 3rd floor deck 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 third floor addition is designed to be confined within the second floor roof volume, which facilitates the structure's resemblance as a two-story home with mass and scale that is similar to the homes in the neighborhood. The proposed roof top deck is under 35 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. 20-022 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 81 an approximately 5,676 sq. ft., two-story single family dwelling with an approximately 822 sq. ft. three-car garage, 741 sq. ft. 2nd floor deck, and a 918 sq. ft. 3rd floor deck 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. The third floor addition is designed to be confined within the second floor roof volume, which facilitates the structure's resemblance as a two-story home with mass and scale that is similar to the homes in the 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. 20-022 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 81 an approximately 5,676 sq. ft., two-story single family dwelling with an approximately 822 sq. ft. three-car garage, 741 sq. ft. 2nd floor deck, and a 918 sq. ft. 3rd floor deck 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. 20-019:

1. Coastal Development Permit No. 20-019 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 81 an approximately 5,676 sq. ft., two-story single family dwelling with an approximately 822 sq. ft. three-car garage, 741 sq. ft. 2nd floor deck, and a 918 sq. ft. 3rd floor deck 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 single-family residence will occur entirely on a previously developed site, contiguous to existing single-family residential development.
2. The request to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 81 an approximately 5,676 sq. ft., two-story single family dwelling with an approximately 822 sq. ft. three-car garage, 741 sq. ft. 2nd floor deck, and a 918 sq. ft. 3rd floor deck 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. 20-019 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 81 an approximately 5,676 sq. ft., two-story single family dwelling with an approximately 822 sq. ft. three-car garage, 741 sq. ft. 2nd floor deck, and a 918 sq. ft. 3rd floor deck is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 20-019 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 81 an approximately 5,676 sq. ft., two-story single family dwelling with an approximately 822 sq. ft. three-car garage, 741 sq. ft. 2nd floor deck, and a 918 sq. ft. 3rd floor deck 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. 20-022/COASTAL DEVELOPMENT PERMIT NO. 20-019:

1. The site plan, floor plans, and elevations received and dated May 17, 2021 shall be the conceptually approved layout with the following modification: Remove the side-facing windows on the 3rd floor staircase. **(HBZSO 210.06(M)(1)(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. 20-022 and Coastal Development Permit No. 20-023 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. 20-023/COASTAL DEVELOPMENT PERMIT NO. 20-022(SEAWITCH SFD - Lot 80):

APPLICANT:	Harry Monck, 303 Cleveland Dr., Huntington Beach, CA 92648
PROPERTY OWNER:	Nilofar Abawi, 16791 Sea Witch Ln., Huntington Beach, CA 92649
REQUEST:	To demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot. This application requests to construct an approximately 4,721 sq. ft., two-story single family dwelling with an approximately 800 sq. ft. three-car garage, 720 sq. ft. 2nd floor deck, and a 950 sq. ft. 3rd floor deck.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15303, Class 3, California Environmental Quality Act. Appealable
LOCATION:	16781 Sea Witch Lane, 92649 (north side of Sea Witch Ln. between Bolero Ln. and Finisterre Dr.)
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 permits.

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

THE PUBLIC HEARING WAS OPENED.

Harry Monck, applicant, stated that he had the same comments regarding the third floor stairway windows as expressed with item #1.

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. 20-023/COASTAL DEVELOPMENT PERMIT NO. 20-022 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 the construction of one single-family residence within a residential zone.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 20-023:

1. Conditional Use Permit No. 20-023 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 80 an approximately 4,721 sq. ft., two-story single family dwelling with an approximately 800 sq. ft. three-car garage, 720 sq. ft. 2nd floor deck, and a 950 sq. ft. 3rd floor deck 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 third floor addition is designed to be confined within the second floor roof volume, which facilitates the structure's resemblance as a two-story home with mass and scale that is similar to the homes in the neighborhood. The proposed roof top deck is under 35 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. 20-023 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 80 an approximately 4,721 sq. ft., two-story single family dwelling with an approximately 800 sq. ft. three-car garage, 720 sq. ft. 2nd floor deck, and a 950 sq. ft. 3rd floor deck 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. The third floor addition is designed to be confined within the second floor roof volume, which facilitates the structure's resemblance as a two-story home with mass and scale that is similar to the homes in the 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. 20-023 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 80 an approximately 4,721 sq. ft., two-story single family dwelling with an approximately 800 sq. ft. three-car garage, 720 sq. ft. 2nd floor deck, and a 950 sq. ft. 3rd floor deck 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. 20-022:

1. Coastal Development Permit No. 20-022 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 80 an approximately 4,721 sq. ft., two-story single family dwelling with an approximately 800 sq. ft. three-car garage, 720 sq. ft. 2nd floor deck, and a 950 sq. ft. 3rd floor deck 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 single-family residence will occur entirely on a previously developed site, contiguous to existing single-family residential development.
2. The request to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 80 an approximately 4,721 sq. ft., two-story single family dwelling with an approximately 800 sq. ft. three-car garage, 720 sq. ft. 2nd floor deck, and a 950 sq. ft. 3rd floor deck 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. 20-022 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 80 an approximately 4,721 sq. ft., two-story single family dwelling with an approximately 800 sq. ft. three-car garage, 720 sq. ft. 2nd floor deck, and a 950 sq. ft. 3rd floor deck is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 20-022 to demolish an existing single family dwelling that spans two legal lots (lot 80 and lot 81) and construct one single family dwelling on each lot, including construction on lot 80 an approximately 4,721 sq. ft., two-story single family dwelling with an approximately 800 sq. ft. three-car garage, 720 sq. ft. 2nd floor deck, and a

950 sq. ft. 3rd floor deck 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. 20-023/COASTAL DEVELOPMENT PERMIT NO. 20-022:

1. The site plan, floor plans, and elevations received and dated May 10, 2021 shall be the conceptually approved layout with the following modifications:
 - a. Remove the side-facing windows on the 3rd floor staircase. **(HBZSO 210.06(M)(1)(d)(2))**
 - b. Provide a minimum 7 ft. setback to the portions of the balcony that project into the setback. No individual projection shall exceed 1/3 of the building length, and the total of all projections shall not exceed 2/3 of the building length on which they are located. **(HBZSO Section 230.68)**
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. 20-022 and Coastal Development Permit No. 20-023 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 3: CONDITIONAL USE PERMIT NO. 21-002 (MAKIN SUSHI & THAI BEER AND WINE):

APPLICANT: Duran Villegas, SoCal Alcohol Consulting, 2973 Harbor Blvd., Suite 377, Costa Mesa CA 92626

PROPERTY OWNER: 303 Partners, LLC, 129 Cabrillo Street, Suite 202, Costa Mesa, CA 92627

REQUEST: To establish the sale, service, and consumption of beer and wine (Type 41 ABC License) within a 1,403 sq. ft. eating and drinking establishment with a 240 sq. ft. outdoor dining patio.

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

LOCATION: 303 3rd Street, Suite 140, 92648 (West side of 3rd Street, between Olive Ave. and Orange Ave.)

CITY CONTACT: Hayden Beckman

Hayden Beckman, Senior Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Mr. Beckman 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.

Duran Villegas, 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. 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 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. 21-002:

1. Conditional Use Permit No. 21-002 to allow the sale, service, and consumption of beer and wine (ABC License Type 41) within a 1,403 sq. ft. eating and drinking establishment with a 240 sq. ft. outdoor dining patio 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 commercial building with other similar uses. The use is primarily a restaurant and the request for beer and wine is ancillary to the primary use. The additional service of beer and wine sales will benefit and serve the other uses in the downtown commercial core as well as the residential uses in the vicinity. The restaurant is not anticipated to generate additional

noise, traffic, or impacts above existing conditions. The commercial storefront is oriented south, facing Olive Avenue, and the outdoor dining patio is oriented west, toward 3rd Street, each along a primary access corridor connecting the downtown commercial district with the surrounding mixed-use and residential neighborhoods and is approximately 60 linear feet from the nearest residence. Additionally, no live entertainment is proposed and the sale, service, and consumption of beer and wine will be contained within the 1,403 sq. ft. restaurant and 240 sq. ft. outdoor dining patio area.

2. The granting of Conditional Use Permit No. 21-002 to allow the sale, service, and consumption of beer and wine (ABC License Type 41) within a 1,403 sq. ft. eating and drinking establishment with a 240 sq. ft. outdoor dining patio 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 – Maximum 30-50 du/ac) 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 permitting the ancillary sale of beer and wine in conjunction with a proposed eating and drinking establishment in a safe manner for residents and customers from the surrounding area. The proposed establishment provides expanded goods and services to meet the needs of the area and will add to the capture of sales tax revenue. The proposed use is located in a vacant suite within an existing commercial building and is located at the corner of two primary streets within the Downtown Core area with adequate accessibility.

3. Conditional Use Permit No. 21-002 to allow the sale, service, and consumption of beer and wine (ABC License Type 41) within a 1,403 sq. ft. eating and drinking establishment with a 240 sq. ft. outdoor dining patio 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 proposed eating and drinking establishment with beer and wine sales is permitted subject to a Conditional Use Permit within District 1 of the Downtown Specific Plan (SP5) zoning district pursuant to Figure 3-23, “Permitted Uses”. The proposed establishment will be located within an existing commercial building, which conforms to applicable site development standards, including parking.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 21-002:

1. The site plan, floor plans, and elevations received and dated May 11, 2021 shall be the conceptually approved design, with the following modification: The colors and materials of the outdoor dining barrier shall be complimentary to the colors and materials of the existing commercial building.
2. The use shall comply with the following conditions as required by City Resolution No. 2017-42:

- a. The hours of operation shall be limited to the following: Monday – Sunday: 7:00 AM – 12:00 AM; all dining and service activities shall cease in the outdoor dining patio at 10 PM nightly.
- b. No new customers shall be permitted to enter the alcohol business 30 minutes before closing.
- c. A minimum of 70 percent of the net floor area of the alcohol business shall be designated for dining. The dining area excludes areas used for cooking, kitchen preparation, office, storage, and restrooms and also excluding outdoor dining areas.
- d. 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.
- e. Alcohol businesses must provide food service until one (1) hour before closing including a cook and food servers shall be on duty.
- f. CUP No. 2021-002 shall not be effective until an ABC license has been issued and provided to the City.
- g. CUP No. 2021-002 shall be for the type of issued ABC License; any change to the type of liquor license shall require an amendment to the CUP.
- h. 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.
 - ii. Alcoholic drinks shall not be included in the price of admission to any alcohol business.
 - iii. All alcohol shall remain within alcohol business premises, including outdoor dining areas.
 - iv. Service of alcoholic beverages for consumption off-site shall not be permitted.
 - v. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
 - vi. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
 - vii. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m.
 - 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.

- ix. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is not permitted.
- x. 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.
- i. 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.
- j. No patrons shall be permitted to loiter within the vicinity of any entrances and exits at any time.
- k. 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. 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.
- l. 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.
 - ii. There shall be no window coverings or advertisements that reduce the visibility inside of the business.
 - iii. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business.
 - 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."
- m. Dancing and/or dance floor and/or live entertainment is prohibited. (Note: a new or amended Conditional Use Permit and an Entertainment Permit issued by the City is required for these additional activities).

- n. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT."
 - o. The patio shall have a physical barrier minimum 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier.
 - p. 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)**
 - q. 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)**
3. A License Agreement, including use fees, shall be obtained from the City for outdoor dining located on public property. **(SP5 Section 3.2.24.3 (2))**
 4. The applicant shall enter into a Maintenance Agreement with the City for maintenance of all portions of the public property used and approved for outdoor dining. Said agreement shall be submitted to and approved by the Director of Public Works prior to the commencement of the use. **(SP5 Section 3.2.24.3 (5))**
 5. CUP 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.
 6. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and

costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 4: ADMINISTRATIVE PERMIT NO. 20-010, COASTAL DEVELOPMENT PERMIT NO. 20-018 (PONTICELLO LIVE/WORK UNIT):

APPLICANT: Steven Sennikoff, 5500 E. 2nd Street, Suite 2, Long Beach CA 90803

PROPERTY OWNER: Breann Ponticello, 848 North Gardner Street, Los Angeles CA 90046

REQUEST: To construct a three-story, approximately 2,996 sq. ft. live/work unit, consisting of 344 sq. ft. non-residential area and 2,652 sq. ft. habitable area with a three-car garage at a maximum overall height of 34 ft.-10 in.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15303, Class 03, California Environmental Quality Act. Non-Appealable

LOCATION: 115 6th Street, 92648 (North side of 6th Street, between Pacific Coast Highway and Walnut Avenue)

CITY CONTACT: Hayden Beckman

Hayden Beckman, Senior Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Mr. Beckman 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.

Chris Straiter, applicant representative, 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.

ADMINISTRATIVE PERMIT NO. 20-010/COASTAL DEVELOPMENT PERMIT NO. 20-018 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act

(CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of the construction of a live/work unit within a mixed-use zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 20-018:

1. Coastal Development Permit No. 20-018 to construct a three-story, approximately 2,996 sq. ft. live/work unit, consisting of 344 sq. ft. non-residential area and 2,652 sq. ft. habitable area with a three-car garage at a maximum overall height of 34 ft.-10 in. conforms with the General Plan, including the Local Coastal Program land use designation of the Downtown Specific Plan because the project is consistent with Coastal Element Policy C.1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction of a new live/work unit will occur on a developed site, contiguous to existing residential and commercial developments that are compatible with a live/work use.
2. Coastal Development Permit No. 20-018 to construct a three-story, approximately 2,996 sq. ft. live/work unit, consisting of 344 sq. ft. non-residential area and 2,652 sq. ft. habitable area with a three-car garage at a maximum overall height of 34 ft.-10 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 complies with the minimum onsite parking, minimum building setbacks, maximum square footages of the live/work unit, including the non-residential area, and building height requirements. The Downtown Specific Plan permits the development of a live/work unit with approval of an administrative permit. As such, the applicant is seeking approval of an administrative permit in conjunction with a coastal development permit.
3. At the time of occupancy, Coastal Development Permit No. 20-018 to construct a three-story, approximately 2,996 sq. ft. live/work unit, consisting of 344 sq. ft. non-residential area and 2,652 sq. ft. habitable area with a three-car garage at a maximum overall height of 34 ft.-10 in. can be provided with infrastructure in a manner that is consistent with the Local Coastal Program in that the proposed live/work unit will be constructed on a developed site located within an urbanized area with all necessary services and infrastructure available, including water, sewer and roadways.
4. Coastal Development Permit No. 20-018 to construct a three-story, approximately 2,996 sq. ft. live/work unit, consisting of 344 sq. ft. non-residential area and 2,652 sq. ft. habitable area with a three-car garage at a maximum overall height of 34 ft.-10 in. conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the proposed live/work unit is designed to be compatible in design, massing, and scale of the surrounding neighborhood and will not impede public access, recreation, or public views to coastal resources.

FINDINGS FOR APPROVAL - ADMINISTRATIVE PERMIT NO. 20-010:

1. Administrative Permit No. 20-010 for the construction of a new three-story 2,996 sq. ft. live/work unit at an overall height of 34 ft. 10 in. that includes a 344 sq. ft. non-residential area, 2,652 sq. ft. habitable area, and an attached three-car garage will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the project is designed to be compatible with the surrounding mix of commercial and residential uses. In addition, there are necessary services and infrastructure in place to accommodate the

live/work use, and the project will not impede public access, recreation, or views to coastal resources. Lastly, the project complies with the minimum onsite parking, minimum building setbacks, maximum square footage of the live/work unit, maximum square footage of non-residential area, and the building height requirements.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 20-018
/ADMINISTRATIVE PERMIT NO. 20-010:**

1. The site plan, floor plans, and elevations received and dated May 31, 2021 shall be the conceptually approved design with the following modification: ADA access shall be provided to the public open space area located in the front yard, and a minimum of 38 feet of depth shall be provided in the garage for the two tandem parking spaces.
2. Prior to submitting for building permits, the applicant shall submit a revised set of plans pursuant to Condition No. 1 in order to update and include the approved plans for the entitlement records for CDP No. 20-018.
3. CDP No. 20-018 and AP No. 20-010 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 Division a minimum 30 days prior to the expiration date.
4. 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 5: COASTAL DEVELOPMENT PERMIT NO. 20-024/CONDITIONAL USE PERMIT NO. 20-026 (DUONG RESIDENCE):

APPLICANT: An Ha, 12862 Joy Street, Suite A, Garden Grove, Ca 92840
PROPERTY OWNER: Hung Duong, 16792 Channel Ln., Huntington Beach, CA 92649

REQUEST: To permit the construction of a 1st and 2nd floor addition totaling 1,386 sq. ft., a 220 sq. ft. garage addition to an existing 2-car garage, an attached 1,200 sq. accessory dwelling unit on the 2nd floor, 748 sq. ft. of 2nd floor decks, a 614 sq. ft. 3rd floor addition and 339 sq. ft. 3rd floor deck at an overall height of 35 ft. to an existing single-family residence.

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

LOCATION: 16792 Channel Ln., 92649 (north side of Channel Ln., east of Admiralty Dr.)

CITY CONTACT: Patty Malagon

Patty Malagon, Assistant 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. Malagon noted that staff did receive one email from the adjacent property objecting to the proposed project due to a recent solar panel installation at the requested location.

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

THE PUBLIC HEARING WAS OPENED.

An Ha, 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.

COASTAL DEVELOPMENT PERMIT NO. 20-024/CODITIONAL USE PERMIT NO. 20-026 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) 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. 20-026:

1. Conditional Use Permit No. 20-026 to permit the construction of a 1st and 2nd floor addition totaling 1,386 sq. ft., a 220 sq. ft. garage addition to an existing 2-car garage, an attached 1,200 sq. accessory dwelling unit on the 2nd floor, 748 sq. ft. of 2nd floor decks, a 614 sq. ft. 3rd floor addition and 339 sq. ft. 3rd floor deck at an overall height of 35 ft. to an existing single-family residence 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 addition and rooftop deck is designed be compatible in proportion and scale with the surrounding neighborhood. The proposed roof top deck is under 35 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. 20-026 to permit the construction of a 1st and 2nd floor addition totaling 1,386 sq. ft., a 220 sq. ft. garage addition to an existing 2-car garage, an attached 1,200 sq. accessory dwelling unit on the 2nd floor, 748 sq. ft. of 2nd floor decks, a 614 sq. ft. 3rd floor addition and 339 sq. ft. 3rd floor deck at an overall height of 35 ft. to an existing single-family residence 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. 20-026 to permit the construction of a 1st and 2nd floor addition totaling 1,386 sq. ft., a 220 sq. ft. garage addition to an existing 2-car garage, an attached 1,200 sq. accessory dwelling unit on the 2nd floor, 748 sq. ft. of 2nd floor decks, a 614 sq. ft. 3rd floor addition and 339 sq. ft. 3rd floor deck at an overall height of 35 ft. to an existing single-family residence 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. 20-024:

1. Coastal Development Permit No. 20-024 to permit the construction of a 1st and 2nd floor addition totaling 1,386 sq. ft., a 220 sq. ft. garage addition to an existing 2-car garage, an attached 1,200 sq. accessory dwelling unit on the 2nd floor, 748 sq. ft. of 2nd floor decks, a 614 sq. ft. 3rd floor addition and 339 sq. ft. 3rd floor deck at an overall height of 35 ft. to an existing single-family residence 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 single-family residence will occur entirely on a previously developed site, contiguous to existing single-family residential development.
2. The request to permit the construction of a 1st and 2nd floor addition totaling 1,386 sq. ft., a 220 sq. ft. garage addition to an existing 2-car garage, an attached 1,200 sq. accessory dwelling unit on the 2nd floor, 748 sq. ft. of 2nd floor decks, a 614 sq. ft. 3rd floor addition and 339 sq. ft. 3rd floor deck at an overall height of 35 ft. to an existing single-family residence 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. 20-024 to permit the construction of a 1st and 2nd floor addition totaling 1,386 sq. ft., a 220 sq. ft. garage addition to an existing 2-car garage, an attached 1,200 sq. accessory dwelling unit on the 2nd floor, 748 sq. ft. of 2nd floor decks, a 614 sq. ft. 3rd floor addition and 339 sq. ft. 3rd floor deck at an overall height of 35 ft. to an existing single-family residence is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 20-024 to permit the construction of a 1st and 2nd floor addition totaling 1,386 sq. ft., a 220 sq. ft. garage addition to an existing 2-car garage, an attached 1,200 sq. accessory dwelling unit on the 2nd floor, 748 sq. ft. of 2nd floor decks, a 614 sq. ft. 3rd floor addition and 339 sq. ft. 3rd floor deck at an overall height of 35 ft. to an existing single-family residence 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. 20-026/COASTAL DEVELOPMENT PERMIT NO. 20-024:

1. The site plan and elevations received and dated April 26, 2021 shall be the conceptually approved layout with the following modifications:
 - a. Include Top of Curb to Finished Floor measurement on elevation plans. The building shall not exceed 35 ft. in height. **(HBZSO 230.70)**
 - b. Demonstrate stairway access through all levels of the building in Section drawings. **(HBZSO 210.06 (M)(1)(e))**

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. The final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.

4. 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. 20-026 and Coastal Development Permit No. 20-024 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.

ITEM 6: TENTATIVE PARCEL MAP NO. 2019-109 (VALERIAN SUBDIVISION):

APPLICANT/

PROPERTY OWNER: Carlos Losada, Valerian 1031 LLC, 9451 Firestone Blvd.,
Downey, CA 90241

REQUEST: To allow a one-lot subdivision of a 2,704 sq. ft. lot for the
construction of two residential condominiums.

ENVIRONMENTAL
STATUS: This request is covered by Categorical Exemption
Section 15315, Class 15, California Environmental Quality Act.

LOCATION: 16457 24th Street, 90742 (north side of 24th St., between PCH
and N. Pacific Ave.)

CITY CONTACT: Joanna Cortez

Joanna Cortez, Associate Planner, stated that the applicant is requesting a continuance to the July 21, 2021, meeting.

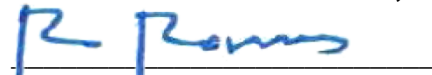
THE PUBLIC HEARING WAS OPENED.

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 continuation as recommended by staff.

TENTATIVE PARCEL NO. 2019-109 WAS CONTINUED TO THE JULY 21, 2021, MEETING BY THE ZONING ADMINISTRATOR. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY NOT BE APPEALED TO THE PLANNING COMMISSION.

THE MEETING WAS ADJOURNED AT 2:00 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JULY 7, 2021, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:is