

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

WEDNESDAY, AUGUST 17, 2022- 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Hayden Beckman, Kim De Coite

ORAL COMMUNICATION: **NONE**

ITEM 1: TEMPORARY USE PERMIT NO. 22-001 (SAINTS SIMON AND JUDE CHURCH FESTIVAL):

APPLICANT: Colleen Murray, 20444 Magnolia Street, Huntington Beach CA 92646

PROPERTY OWNER: Fr. Reynold Furrell, 20444 Magnolia Street, Huntington Beach CA 92646

REQUEST: To permit an annual Church festival for three days in the months of September and October for a period of five years from 2022 to 2026. The event will include live entertainment, food and alcohol sales, games, and carnival rides.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15304, Class 4, California Environmental Quality Act.

LOCATION: 20444 Magnolia Street, 92646 (northeast corner of Magnolia Street and Indianapolis Avenue)

CITY CONTACT: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Ms. Nguyen stated that staff had received one letter of concern.

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

THE PUBLIC HEARING WAS OPENED.

Colleen Murray, applicant, stated that she had no comments or concerns with the staff's recommendations.

James De Marco, resident, stated that he had concerns with the location of the designated smoking area.

Ms. Murray stated that Saints Simon and Jude is a non-smoking campus and that there are guards onsite for enforcement.

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.

TEMPORARY USE PERMIT NO. 22-001 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 15304 of the CEQA Guidelines, because the project consists of a minor temporary use of land having no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 22-001:

1. The proposed temporary use to permit an annual Church festival for three days in the months of September and October for a period of five years from 2022 to 2026 will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241 of the Huntington Beach Zoning and Subdivision (HBZSO) because the event is temporary in nature, compatible with surrounding uses, and consistent with the following policy:

A. Noise Element:

Policy N-4.B: Require that new discretionary uses and special events such as restaurants, bars, entertainment, parking facilities, and other commercial uses or beach events where large numbers of people may be present adjacent to sensitive noise receptors comply with the noise standards in Table N-2 and the City Noise Ordinance.

The festival has been held over the years as a fundraiser for the school and church to assist the community. The event provides a variety of recreational opportunities for a period of three days per year with limited hours of operation. The festival is located in the same vicinity on the subject property as previous years with adequate setbacks provided for the rides and tents.

2. Approval of the application for an annual church festival for three days during the months of September and October for a five year period (2022-2026) will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare because the proposed temporary structures, such as booths and rides, will be located with adequate separation from adjacent residential uses and removed upon completion of the event. The main tent, which includes a stage and amplified music, will be located a minimum of 54 ft. from the nearest residential property. As conditioned, the project will not generate additional impacts above existing conditions. The temporary festival will not alter any existing property in the area as the event will occur entirely on the

church's property. No complaints regarding the festival from neighbors have been recorded with the Police Department and Code Enforcement Division.

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 22-001:

1. The site plan, floor plans, and elevations received and dated June 22, 2022 shall be the conceptually approved design.
2. Prior to the commencement of the festival, the following shall be completed:
 - a. The applicant shall obtain clearance from the Public Liability Claims Coordinator, Administrative Services Department, and/or shall provide a Certificate of Insurance and Hold Harmless Agreement to be executed at least five (5) days prior to the event.
 - b. Prior to operation of any equipment used in conjunction with the amusement rides, the City shall be in receipt of State Certification and permits showing inspection within a one (1) year period, stating that the rides meet all requirements of the State Industrial Safety Division.
 - c. The applicant shall request a Code Enforcement Section inspection of the site for compliance with conditions of approval prior to 10:00 AM on opening day.
 - d. During all church services and events, an announcement shall be made to parishioners requesting that they refrain from parking on neighborhood streets.
3. The use shall comply with the following:
 - a. Hours of operation shall be limited as follows:

	<u>Open</u>	<u>Rides Close</u>	<u>Close</u>
Friday	5:00 PM	10:00 PM	11:00 PM
Saturday	12:00 PM	10:00 PM	11:00 PM
Sunday	12:00 PM	8:00 PM	9:00 PM
 - b. A minimum of 10 days prior to the commencement of the festival, the applicant shall submit to the Planning Division an outline describing a security plan and implementation procedure during the event including the number of security staff, shift hours and staff responsibilities for review and approval by the Planning Division and Police Department.
 - c. Beer and wine consumption shall be limited to an area for adults which shall be roped off and controlled by Church personnel. **(PD)**
 - d. Servers shall check the identification of all patrons purchasing alcoholic beverages to ensure they are a minimum of 21 years of age. **(PD)**
 - e. Servers shall be at least 21 years of age and shall not consume alcoholic beverages while serving alcohol. **(PD)**

- f. Beer cups shall be 16 ounces or less and wine/spirit cups shall be eight ounces or less. All cups utilized for alcoholic beverages shall be distinguishable from non-alcoholic beverages. **(PD)**
 - g. Patrons may only be served two drinks at one time. **(PD)**
 - h. A minimum of two security guards shall be required during alcohol sales and live entertainment. Security shall remain at the event until one hour after close. An additional security guard shall be required for every 250 attendees. **(PD)**
 - i. All security guards must be clearly identifiable as security guards and shall be licensed with the California Department of Consumer Affairs, Bureau of Security & Investigative Services. **(PD)**
 - j. Smoking shall not be within 25 feet of a playground pursuant to California Statutes. If a smoking area is established, property cigarette receptacles shall be available. **(PD)**
 - k. All games and raffles must comply with state law. **(PD)**
 - l. All machinery, except the refrigeration truck, shall be turned off between the hours of 10:00 PM and 8:00 AM.
 - m. If a refrigeration truck is provided, it shall be placed as far away from the residential properties as possible to minimize noise.
 - n. Use of amplifiers, speakers, musical instruments and playing of recorded music shall be limited to the tent area and shall be discontinued as of 10:00 PM each evening. Speakers shall not be directed toward any housing area.
 - o. Installation, breakdown and moving of stands, equipment, apparatus and rides shall be prohibited before 8:00 AM and after 10:00 PM daily and shall conform to the provisions of the Huntington Beach Municipal Code regarding noise.
 - p. The applicant shall provide for clean-up of areas after the closing of the event. Clean-up of the site after 10:00 PM shall not include the use of any machinery or equipment that may disturb the residents in the area. All trash, debris and garbage, as well as special dumpsters, shall be removed from the site within two (2) days of closing of the event.
 - q. The applicant shall provide professional clean-up crews to clear the adjacent streets of trash and debris each evening after the festival closes. Clean-up shall not commence prior to 7:00 AM each morning.
- 4. All Alcoholic Beverage Control requirements shall be met.
 - 5. Saints Simon & Jude Church personnel shall provide direction of traffic and on-site parking.
 - 6. Church personnel shall monitor parking lots. When parking lots become full, a "lot full" sign shall be placed at the entrance to the parking lots.

7. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the festival activity may be terminated by any Police Officer, Fire Inspector or authorized personnel from the Department of Planning & Building.
8. Requests for subsequent festival shall be made no later than sixty (60) days prior to the event, with review and public hearing by the Zoning Administrator. The Zoning Administrator shall review and evaluate past events for compliance with all conditions of approval and determine the need for new or modification of conditions of approval. The Zoning Administrator may approve, conditionally approve or deny such requests.
9. 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.
10. Temporary Use Permit No. 22-001 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.
11. The Development Services Departments and divisions (Building & Safety, Fire, Planning, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 2: CONDITIONAL USE PERMIT NO. 22-001 AND COASTAL DEVELOPMENT PERMIT NO. 22-001 (ONG RESIDENCE):

APPLICANT:	Joseph Plan, 17927 Toiyable Circle, Fountain Valley CA 92708
PROPERTY OWNER:	Scott Ong, 16422 Barnstable Circle, Huntington Beach CA 92649
REQUEST:	To construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 in.

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

LOCATION: 16422 Barnstable Circle, 92649 (north side of Barnstable Circle, east of Humboldt Drive)

CITY CONTACT: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Ms. Nguyen stated that staff had received two calls and one email with concerns about the height and the non-conforming lot coverage.

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

THE PUBLIC HEARING WAS OPENED.

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

Cheryl De Marco, resident, spoke in opposition to Item No. 2, citing concerns that the plans were not drafted by a licensed architect and the proposed structure is non-conforming due to the lot coverage.

Mr. Ramos indicated that only plans submitted for building permits are required to be stamped by a licensed architect. Ms. Nguyen indicated that the existing building is legally non-conforming and that the propose addition maintains the existing footprint.

James De Marco, resident, spoke in opposition to Item No. 2, citing concerns that the plans were not drafted by a licensed architect.

Greg Hamer, resident, spoke in opposition to Item No. 2, citing concerns with the proposed height of the building, and the potential shading, views, and property value impacts. Mr. Ramos stated that private views are not protected. Mr. Hamer indicated that the CC&Rs protect private views and Mr. Ramos noted that CC&Rs are under the HOA's authority.

Lisa Seitz, resident, spoke in opposition to Item No. 2, citing concerns with the potential privacy impacts on her adjacent residence, as well as the potential impact to her ability to install solar panels.

Margaret Muller, resident, spoke in opposition to Item No. 2, citing concerns with the massing and height, as well as the potential parking impacts.

Ms. De Marco reiterated her concerns with the lot coverage.

Mr. De Marco expressed concerns with the window alignment.

Mr. Hamer reiterated his concerns with the lot coverage.

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 two additional code requirements.

CONDITIONAL USE PERMIT NO. 22-001 AND COASTAL DEVELOPMENT PERMIT NO. 22-001 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. 22-001:

1. Conditional Use Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 in. will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The third floor habitable area at an overall height of 33 ft.-11 in. will be located within the confines of the second story roof volume. The third floor habitable area does not exceed the height limit and will be accessible only from the interior of the building.
2. The granting of the Conditional Use Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 in. will not adversely affect the General Plan because it is consistent with the Land Use Element designation RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

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

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

The proposed project is consistent with the requirements of the base zoning district such as parking, building setbacks, building height, lot coverage, and privacy design standards. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. The third floor habitable area will be integrated within the confines of the second story roof volume.

3. Conditional Use Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 in. will comply with the

provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the project complies with parking, building setbacks, building height, lot coverage, and privacy design standards. Furthermore, the third floor habitable area is within the confines of the second story second floor roof volume, as required by the HBZSO. Third floor habitable space is allowed for all single-family dwellings in the RL zoning district with the approval of a conditional use permit.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 22-001:

1. Coastal Development Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 in. conforms with the General Plan, including the Local Coastal Program because the project is consistent with the Coastal Element Land use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed addition will occur entirely on a developed site, contiguous to existing single-family residential development.
2. Coastal Development Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 in. is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project, as proposed, will comply with all applicable development regulations, including building height, building setbacks, parking, lot coverage, and privacy design standards.
3. At the time of occupancy, the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because Coastal Development Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 in. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 in. conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 22-001 AND COASTAL DEVELOPMENT PERMIT NO. 22-001:

1. The site plan, floor plans, and elevations received and dated July 22, 2022 shall be the conceptually approved design with the following modifications:
 - a. The minimum rear yard setback is 10 feet from the bulkhead per Use Variance No. 689. The rear building setback shall be drawn from the bulkhead to comply with this requirement.
 - b. The front porch shall be redesigned to have two open sides.

2. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. The structure cannot be occupied and the final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
4. Conditional Use Permit No. 22-001 and Coastal Development Permit No. 22-001 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval or by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
6. The Development Services Departments and divisions (Building & Safety, Fire, Planning, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 3: CONDITIONAL USE PERMIT NO. 22-017 (BEACH SURGERY CENTER PARKING REDUCTION):

APPLICANT: Annie Tran, 14542 Harper Street, Midway City CA 92655
PROPERTY OWNER: Triumvirate LLC, 9874 Raritan Avenue, Fountain Valley, CA 92708
REQUEST: To permit a three parking space reduction (total of 26 spaces in-lieu of 29 required spaces) and the establishment of a 2,273 sq. ft. out-patient medical office use within an existing office building.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15301 Class 1, California Environmental Quality Act.
LOCATION: 20951 Brookhurst Street, Unit 101, 92646 (Northwest corner of Atlanta Avenue at Brookhurst Street)
CITY CONTACT: Hayden Beckman

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

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

THE PUBLIC HEARING WAS OPENED.

Annie Tran, applicant, stated that she 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. 22-017 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves minor alterations consisting of tenant improvements to an existing commercial shopping center.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-017:

1. Conditional Use Permit No. 22-017 to permit a three parking space reduction (total of 26 spaces in-lieu of 29 required spaces) and the establishment of a 2,273 sq. ft. out-patient medical office use 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 involves the establishment of a medical office use that is permitted by right in the Commercial Office (CO) zoning district and involves a minor reduction in parking. The request for a reduced parking is a result of a commercial office site constrained by the loss of spaces to accommodate modern ADA accessibility and is based on a parking demand analysis prepared by Kenny Chao, P.E., a state-registered civil engineer of AET & Associates (dated July 15, 2022). A parking survey of a separate site located within the City with an equal mix of office and medical office uses was conducted, resulting in a weekday peak demand total of 22 parking spaces. As a result, the parking demand study supports the proposed three space reduction in required parking and concludes that adequate on-site parking will be available to accommodate not just the proposed medical office use, but, as conditioned, additional on-site business offices and a storage area with 26 spaces.

2. The granting of Conditional Use Permit No. 22-017 to permit a three parking space reduction (total of 26 spaces in-lieu of 29 required spaces) and the establishment of a 2,273 sq. ft. out-patient medical office use will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Commercial Neighborhood (CN) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

- a. 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.
- b. 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.
- c. Policy LU-1 (D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.
- d. Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.
- e. 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.
- f. Policy LU-11 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.
- g. Policy LU-11 (C): Maximize the economic development services provided by the City to existing and prospective businesses and industries.
- h. Goal LU-12: Commercial and industrial corridors throughout the planning area are renovated and revitalized.

The proposed project consists of the establishment of a medical office use that includes out-patient surgery services within an existing two-story commercial building. The project site will continue to serve adjacent residential development and future development within

the City as a whole. The project is located upon an established neighborhood commercial property surrounded by similar commercial and residential uses. The shared parking analysis prepared by AET & Associates has determined that the existing 26 onsite parking spaces are more than sufficient to provide parking during the expected peak parking demand. The request will serve the needs of local residents by expanding the range of goods and services provided in the area by providing additional medical service opportunities. Therefore, the proposed project will be consistent with the overall goals and needs of the community, provide goods and services to meet regional and local needs, and renovate and revitalize an existing neighborhood commercial corridor by ensuring the continued occupancy of an existing commercial building.

3. The proposed conditional use permit to permit a three parking space reduction (total of 26 spaces in-lieu of 29 required spaces) and the establishment of a 2,273 sq. ft. out-patient medical office use 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) in that the proposed medical office use is permitted within the CO (Commercial Office) zoning district pursuant to Section 211.04 of the HBZSO—*CO, CG, and CV Districts: Land Use Controls*. The proposed medical office will be located within an existing commercial building, which conforms to applicable site development standards in terms of minimum yard setbacks, minimum landscaping, and maximum floor area ratio, with exception of the request for reduced parking. The parking demand study determined that the onsite parking requirement for the proposed mix of medical and business office uses is in excess of four spaces than the expected peak parking demand.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 22-017:

1. The site plan and floor plans received and dated May 12, 2022, and parking demand study received and dated July 17, 2022 shall be the conceptually approved design.
2. Prior to submittal for building permits, Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. Prior to the issuance of building permits, the property owner shall sign, notarize, and record with the County Recorder a covenant confirming that the second floor Unit 5 (2,722 sq. ft.) will be maintained as a storage unit, not to be occupied by a business operation unless an adequate justification for the revised parking configuration is reviewed and approved by the Zoning Administrator.
4. The final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements shall be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
5. The structure cannot be occupied and the final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans.

- b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
- 6. 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. 22-017 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 of Community Development pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.
- 8. The development services departments and divisions (Planning, Building and Safety, 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 Community Development Director's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Director of Community Development may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 4: CONDITIONAL USE PERMIT NO. 22-019 (EDWARDS FIRE STATION MONOPINE WIRELESS COMMUNICATION FACILITY):

APPLICANT:	Chris Doheny, 3300 Irvine Avenue, Suite 300, Newport Beach CA 92660
PROPERTY OWNER:	City of Huntington Beach, 2000 Main Street, Huntington Beach CA 92648
REQUEST:	To construct a new freestanding 'monopine' wireless communication facility at an overall maximum height of 65 ft. with a three sector array of four panel antennas each that utilizes

stealth design by concealing the new wireless facility within the branches of a faux pine tree.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15303, Class 3, California Environmental Quality Act. Appealable

LOCATION: 18591 Edwards Street, 92648 (Northwest corner of Edwards Street at Overlook Drive)

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 stated that the Design Review Board recommended painting the panel antennas to match the faux pine needles for additional concealment and widening the base to better reflect the look of a pine tree.

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

THE PUBLIC HEARING WAS OPENED.

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

Mr. Ramos asked if Mr. Doheny had looked into placing the antennas inside the tower. Mr. Doheny indicated that the existing tower would not be tall enough.

Fred Tinker, resident, indicated that he had a question about the height but that it was answered in the presentation.

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

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

CONDITIONAL USE PERMIT NO. 22-019 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines, because the project involves the installation of small new equipment for a wireless communication facility.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 22-019:

1. Conditional Use Permit No. 22-019 to construct a new freestanding 'monopine' wireless communication facility at an overall maximum height of 65 ft. with a three sector array of four panel antennas each that utilizes stealth design by concealing the new wireless facility within the branches of a faux pine tree 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 facility is located approximately 140 feet from the nearest residential uses (to the south). Additionally, the structure is setback approximately 75 feet from Overlook Drive to the south and approximately 190 feet from the Edwards Street frontage to help mitigate any visual impacts. The project includes pole-mounted equipment at an overall height of 55 feet that, although in excess of the maximum 35 feet zoning height requirement, will minimize visual impacts of the installation through the incorporation of stealth design techniques, and will not interfere with other communication, radio, or television transmission/reception in and around the subject site. All associated ground mounted equipment will be placed behind an 8 foot high split faced block wall that matches the existing perimeter block wall of the Edwards Fire Station which will further reduce the likelihood of visual and noise impacts. No significant impacts related to traffic, safety, or noise will be generated by the wireless communication facility.

2. The granting of Conditional Use Permit No. 22-019 to construct a new freestanding 'monopine' wireless communication facility at an overall maximum height of 65 ft. with a three sector array of four panel antennas each that utilizes stealth design by concealing the new wireless facility within the branches of a faux pine tree will not adversely affect the General Plan in that 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

Goal PSI-10: Superior electricity, natural gas, telephone, and data services improve quality of life and support economic development.

Policy PSI-10-C: Support the use of new and emerging communication technologies.

Conditional Use Permit No. 22-019 will permit the installation of a new wireless communication facility on a pole designed to appear as a mature pine tree. The facility is designed, and conditioned, in a manner that will be minimally noticeable from the public right-of-way and is located outside of typical vehicular and pedestrian lines of sight. The structural pole, antennas, and associated equipment blend in with the existing trees and landscaping of the surrounding area. The facility incorporates stealth design techniques and is proposed in a minimally impactful location.

3. Conditional Use Permit No. 22-019 to construct a new freestanding 'monopine' wireless communication facility at an overall maximum height of 65 ft. with a three sector array of four panel antennas each that utilizes stealth design by concealing the new wireless facility within the branches of a faux pine tree 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 to install a new ground mounted wireless communication facility that exceeds the maximum height of 35 feet.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 22-019

1. The site plan, photo simulations, and elevations received and dated May 24, 2022 shall be the conceptually approved design with the following modifications:
 - a. All equipment and antennas mounted on the pole shall be painted to match the needles. **(DRB)**
 - b. The plans shall be revised to provide an angled flare (wider bottom and narrower top) of the exterior faux branches and needles. **(DRB)**
2. A copy of the revised plans modified in accordance with Condition of Approval No. 1 shall be submitted to the Community Development Department for review and inclusion in the entitlement file.
3. 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 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. CUP No. 22-019 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
7. The Development Services Departments and divisions (Building & Safety, Fire, Planning, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the

Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

THE MEETING WAS ADJOURNED AT 2:31 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 7, 2022, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:kdc