

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

WEDNESDAY, AUGUST 19, 2015 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Joanna Cortez, Jill Arabe, Kim De Coite

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT 15-018 (STARBUCKS ALCOHOL - CONTINUED FROM THE AUGUST 5, 2015, MEETING)

APPLICANT: Jim Forgey, 144 N. Orange St., Orange, CA 92866
PROPERTY OWNER: Raymond Lin, Taki-Sun Inc., 6400 E. PCH, Long Beach, CA 90805
REQUEST: To permit the sales, service, and consumption of alcoholic beverages (beer and wine - ABC Type 41 License) at an existing 1,799 sq. ft. eating and drinking establishment with a 484 sq. ft. outdoor dining area.
LOCATION: 16470 Pacific Coast Highway (north side of PCH, west of Admiralty Dr.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, Assistant Planner, displayed project plans and photographs 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, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Jim Forgey, applicant, stated that he had no comments or concerns with staff's recommendations.

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

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

CONDITIONAL USE PERMIT 15-018 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 no expansion in the overall floor area of the existing eating and drinking establishment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-018:

1. Conditional Use Permit No. 15-018 for the sales, service, and consumption of alcohol (beer and wine) within an existing 1,799 sq. ft. indoor eating and drinking establishment and approximately 484 sq. ft. outdoor 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. The existing restaurant is located within an existing commercial center and is approximately 125 feet to the nearest residential use. Additionally, the restaurant, including the outdoor patio, faces Pacific Coast Highway and the closest residences are buffered by an existing drive aisle and parking lot. The proposed alcohol sales and service, as conditioned, and outdoor patio area and will not generate noise, traffic, demand for parking or other impacts above that which currently exists or be inconsistent with the subject property's zoning. The restaurant will continue to serve food and beverages in conjunction with the proposed use.
2. The sales, service, and consumption of alcohol will be compatible with the surrounding neighborhood because the subject tenant suite is located within an existing commercial center consisting of a variety of uses. The existing restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible with adjacent properties. The use is required to comply with conditions of approval pertaining to alcohol service and hours of operation to assure that any potential impacts to the surrounding properties are minimized. Additionally, the use is subject to noise regulations to ensure compatibility with surrounding uses.
3. The proposed conditional use permit 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 and any specific condition required for the proposed use in the district in which it would be located. There is no physical expansion that includes additional floor area to the existing building as part of this request and the use will comply with all building occupancy/exiting requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial Visitor (CV) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

B. Economic Development Element

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located within an existing commercial center, which includes service and retail uses, and other restaurants with outdoor dining. Based upon the operational conditions imposed, the restaurant with beer and wine sales and service is not anticipated to result in negative impacts on adjacent properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-018:

1. The site plan, floor plans, and elevations received and dated August 5, 2015 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The sales and consumption of alcoholic beverages shall be permitted everyday day of the week between the hours of 4:00 PM and 9:00 PM.
 - b. Prior to sales, service, or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the establishment. The license shall be limited to a Type 41 – On Sale Beer and Wine for Bona Fide Public Eating Place. **(PD)**
 - c. An employee, manager, or owner of the establishment must maintain supervision of all areas of the establishment and patio where alcohol is being sold, served, and consumed. **(PD)**
 - d. All alcohol shall remain within the establishment or the patio. Signs shall be posted at each entrance/exit of the establishment and patio stating "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
 - e. Alcohol shall not be purchased, sold, or served in the drive-thru. **(PD)**
 - f. All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business. **(PD)**

- g. Dancing and live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City. **(PD)**
 - h. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. **(PD)**
3. CUP No. 15-018 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 and Building Department 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 Planning and Building may approve minor amendments to conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
 5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems <http://www.builditgreen.org/green-building-guidelines-rating>).

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. 15-017 (CEFALIA DUPLEX)

APPLICANT:	Walt Bushman, 2480 Santa Ana Avenue, Costa Mesa, CA 92627
PROPERTY OWNER:	Jim Cefalia, 1224 W. Oceanfront, Newport Beach, CA 92661
REQUEST:	To permit the construction of an approximately 7,300 sq. ft., three-story duplex with an overall building height of 32 ft.
LOCATION:	17061 Sandra Lee Lane, 92649 (west side of Sandra Lee Ln., south of Warner Ave.)
CITY CONTACT:	Jill Arabe

Jill Arabe, Associate Planner, displayed project plans and photographs 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, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Walt Bushman, applicant, stated that he had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated that based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 15-017 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) 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 15303 of the CEQA Guidelines, because the project involves the construction of a new duplex.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-017:

1. Conditional Use Permit No. 15-003 for the construction of an approximately 7,300 sq. ft., three-story duplex with an overall building height of 32 ft. will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The subject site is currently undeveloped and protected by a chain link fence. The new building will improve the value of the site and neighborhood, which consists of multifamily developments. It will not generate noise, traffic, odors, or other impacts at levels inconsistent with the existing residential character of the neighborhood. Furthermore, the proposed overall building height is not anticipated to impact surrounding properties because the site is surrounded by two-story and three-story buildings. The project will provide new housing opportunities.
2. The conditional use permit will be compatible with surrounding uses because the new development consists of two attached residential dwelling units in a neighborhood predominantly developed with multifamily housing of comparable design, density, and building height. As conditioned, the proposed duplex is designed to convey a high level of quality and a character consistent with the City of Huntington Beach Urban Design Guidelines.
3. The proposed conditional use permit 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, including maximum density, height, lot coverage, building setbacks, parking, and open space requirements.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of *RMH-25 (Residential Medium High Density – 25 units/acre)* on the subject property. In addition, it is consistent with the following goal, objective, and policy of the General Plan:

Land Use Element

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character.

The proposed two unit development is consistent with the existing multifamily residential neighborhood. The building architecture incorporates stone veneer, stucco and varied roof lines. Landscaping and adequate pedestrian circulation from the sidewalk to the building improve the overall design of the project.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-017:

1. The site plan, floor plans, and elevations received and dated May 21, 2015 shall be the conceptually approved design with the following modifications:
 - a. The second floor plan of each dwelling unit shall be revised to reconfigure the game room, bedroom #1, and laundry room so that the wall opening between the game room and hallway is 50% or more of the wall length.
 - b. A refuse storage area shall be provided onsite, subject to review and approval by the Planning and Building Department and Rainbow Environmental Services.
 - c. Required trees within the front yard shall be centrally located in the planter to minimize canopy encroachment over property lines.
 - d. A minimum three ft. wide walkway shall be provided from the sidewalk to the entrance of the units.
 - e. Building materials and colors shall be called out on the exterior building elevations.
 - f. A minimum five ft. side yard setback shall be dimensioned on the site plan between the entry porch of each unit and the respective side property line.
 - g. The open space square footage calculations shall be corrected to match the dimensions on the plans.
2. Prior to submittal for building permits, the following shall be completed:

- a. Plans revised pursuant to Condition No. 1 shall be submitted for review and approval by Planning Division staff and inclusion in the entitlement file.
 - b. 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.
 - c. An address assignment application with applicable fee and submittal requirements shall be submitted for review and approval to the Planning and Building Department.
3. 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.
4. The final building permit cannot be approved, and utilities cannot be released 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 Planning & Building 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. CUP No. 15-017 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 pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
6. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
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 Planning and Building 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.

8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

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 1:39 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 2, 2015, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

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