

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

WEDNESDAY, MAY 11, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Jason Kelley, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: March 30, and April 13, 2005
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 05-04 (LIVE ENTERTAINMENT – NIYA RESTAURANT)

APPLICANT: Foothill Project Management, Corrie Kates, PO Box 4403, Costa Mesa, CA 92626-4403
PROPERTY OWNER: Old West Center, LLC (Jack Lee), 27711 Pine Strap Circle, Laguna Hills, CA 92653
REQUEST: To permit live entertainment (karaoke) within an existing restaurant.
LOCATION: 5910 Warner Avenue (southeast corner of Warner Avenue and Springdale Street)
PROJECT PLANNER: Jason Kelley

Jason Kelley, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary. Staff stated that the Police Department stated no objection to the proposed project. No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, stated that residential uses are adjacent to the subject site. Ms. Broeren questioned if the Police Department recommended a condition requiring that the doors remain closed during entertainment hours.

THE PUBLIC HEARING WAS OPENED.

Corrie Kates, PO Box 4403, Costa Mesa, applicant, stated that while the doors are usually closed, they would agree to a condition requiring that the doors remain closed.

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

Ms. Broeren asked staff to add a new condition of approval as follows:

Condition No. 2.f:

The rear door shall be closed during live entertainment hours.

CONDITIONAL USE PERMIT NO. 05-04 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-04:

1. Conditional Use Permit No. 05-04 for the establishment, maintenance and operation of a live entertainment (karaoke) use in conjunction with an existing restaurant 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 proposed live entertainment consists of one karaoke machine located in the northwesterly portion of the business, adjacent to the parking lot. The entertainment area will utilize approximately 20 square feet of the existing 1,800 square foot restaurant and is positioned furthest away from the residential properties to the south. Based upon the conditions imposed, the proposed entertainment use will not create adverse noise impacts to the surrounding businesses and residents. The live entertainment will be limited to the evening business hours (5:00 pm to 11:00 pm Monday through Thursday and 5:00 pm to 1:00 am Friday through Saturday), and consequently will minimize potential impacts to adjacent businesses and residents. The existing restaurant has no record of complaints or code enforcement activity.
2. The conditional use permit will be compatible with surrounding uses because the restaurant with live entertainment is consistent with the character of the existing commercial shopping center. The live entertainment use will occur within the restaurant, surrounded by other commercial buildings, approximately 150 feet away from the residential properties to the south. The live entertainment use will be sufficiently buffered from residential properties to

ensure no detrimental impacts and is conditioned to permit live entertainment between the hours of 5:00 pm to 11:00 pm Monday through Thursday and 5:00 pm to 1:00 am Friday through Saturday.

3. The proposed Conditional Use Permit No. 05-04 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 the noise ordinance. The HBZSO authorizes live entertainment with approval of a conditional use permit.
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 General on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. Objective LU 1.1 Provide for the timing of residential, commercial, and industrial development coincident with the availability of adequate market demand to ensure economic vitality.
 - b. Goal LU 10 Achieve the development of a range of commercial uses.
 - c. 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, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

The proposed live entertainment will allow Niya's Restaurant to compete with other restaurants that offer karaoke and related activities. Approval of the request will add to the range and diversity of uses and services offered to Huntington Beach citizens and will also serve to draw visitors to the establishment.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-04:

1. The site plan and floor plans received and dated February 15, 2005 shall be the conceptually approved design.
2. The proposed live entertainment shall comply with the following:
 - a. Prior to commencement of live entertainment activities, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - b. Prior to commencement of live entertainment activities, a copy of an approved Entertainment Permit, as issued by the Business License Department, shall be submitted to the Planning Department.
 - c. All conditions of the Entertainment Permit as approved by the Police Department shall be adhered to.
 - d. Live entertainment shall be limited to karaoke, as described in the narrative received and dated February 15, 2005.
 - e. Live entertainment is permitted during regular business hours of 5:00 pm to 11:00 pm Monday through Thursday and 5:00 pm to 1:00 am Friday through Saturday.

- f. The rear door shall be closed during live entertainment hours.

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: COASTAL DEVELOPMENT PERMIT NO. 05-03 (STEPHEN DEMO/REBUILD)

APPLICANT: Corcoran & Corcoran, Inc (Kyle Rausch), 2240 University Dr., #120, Newport Beach, CA 92660
PROPERTY OWNER: Doug and Barbara Stephen, 16912 Marina Bay Drive, Huntington Beach, CA 92649
REQUEST: To permit the construction of a new 5,100 sq. ft. two-story single-family dwelling with an attached three-car garage. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.
LOCATION: 16912 Marina Bay Drive (east side of Marina Bay Drive, north of Coral Cay Lane)
PROJECT PLANNER: Jason Kelley

Jason Kelley, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary. Staff stated that the proposed project is in compliance with the Infill Lot Ordinance. No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans with staff and discussion ensued concerning a date stamp discrepancy on the plans, driveway dimensions and turning radius, as they may be related to visibility issues.

THE PUBLIC HEARING WAS OPENED.

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

Ms. Broeren confirmed with staff that the homeowner's association had been noticed.

Ms. Broeren stated that the dimensions to the second story setback and the turning radius/back-up area at the two-car garage are to be on the plans. She stated that the foregoing will not be imposed as a condition but stated that the foregoing will be noted in the project file.

COASTAL DEVELOPMENT PERMIT NO. 05-03 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 construction of one single-family residence in a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-03:

1. Coastal Development Permit No. 05-03 to construct a new 5,100 sq. ft. two-story single-family dwelling with an attached three-car garage conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a previously developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project, as proposed, complies with all applicable development regulations, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking.
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. The proposed dwelling will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-03:

1. The site plan, floor plans, and elevations received and dated April 28, 2005 shall be the conceptually approved design.

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 1:45 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, MAY 18, 2005 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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