

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

WEDNESDAY, JANUARY 18, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 05-39 (PELICAN ISLE RESTAURANT EXPANSION)

APPLICANT: Linda P. Dulay, 16400 Pacific Coast Highway, Huntington Beach CA 92649
PROPERTY OWNER: Taki Sun, Inc., c/o Core Property Management, Inc. 6621 E. Pacific Coast Highway, Suite 280, Long Beach, CA 90803
REQUEST: To permit the expansion of an existing 3,205 sq. ft. restaurant with alcohol sales and live entertainment into an adjacent 1,582 sq. ft. suite.
LOCATION: 16400 Pacific Coast Highway, Suite 103 (East side of Pacific Coast Hwy, north of Admiralty Drive)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff stated that the live entertainment would take place on Saturdays and Sundays only and that the proposed project is in compliance with parking requirements with a surplus of five parking spaces.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary. No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the five surplus spaces were based on the current mix of uses within the shopping center.

THE PUBLIC HEARING WAS OPENED.

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

CONDITIONAL USE PERMIT NO. 05-39 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) 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 minor alteration to a commercial suite within an existing shopping center.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-39:

1. Conditional Use Permit No. 05-39 for the expansion of an existing 3,205 sq. ft. restaurant with alcohol sales and live entertainment into an adjacent 1,582 sq. ft. suite 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 expansion will consist of additional dining and waiting area. The existing stage will not be expanded and the live entertainment is conducted entirely indoors. The restaurant is setback approximately 300 feet from the closest residential property. The proposed expansion will not generate additional noise, traffic, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. The site provides the necessary parking to accommodate the proposed expansion.
2. The conditional use permit will be compatible with surrounding uses because it is an expansion of an existing restaurant located within a commercial center with adequate parking capacity, in a suite adequately buffered from adjacent residential land uses to ensure no detrimental impact.
3. The proposed Conditional Use Permit No. 05-39 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. The restaurant with live entertainment will be located within an existing commercial center which conforms to land use, setbacks, building heights, and landscaping requirements applicable to the Visitor Serving Commercial (CV) zoning designation.

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. 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 (LU 10.1)
 - b. 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 (ED 2.4.3)

The proposed restaurant expansion and live entertainment 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 in an existing shopping center, which includes service related uses.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-39:

The site plan and floor plans received and dated October 21, 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.

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 05-22 (CUHA RESIDENCE)

APPLICANT: Ron Cuha, 8700 Warner Avenue, Suite 100, Fountain Valley, CA 92708
PROPERTY OWNER: Aaron Cuha, 4082 Ondine Circle, Huntington Beach, CA 92649
REQUEST: To permit construction of a new 3,793 sq. ft., two-story, single-family dwelling and attached garage with an overall building height of 28'-6". 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: 16722 Baruna Lane (east side of Baruna Lane, north of Davenport Drive)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff stated that because the proposed project is subject to the Infill Lot Ordinance, a condition be added, as agreed to by the applicant, and as follows:

- c. The first floor dining room window on the north elevation, first floor family room window on the south elevation, and bedroom windows on the second floor north elevation shall be offset from windows on existing residences.

Mary Beth Broeren, Zoning Administrator, and staff engaged in discussions concerning the site coverage. Staff confirmed that the applicant would have to make minor adjustments to the footprint to comply with the 50 percent site coverage.

THE PUBLIC HEARING WAS OPENED.

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

Discussion ensued concerning the second-story ten-foot setback from the property line and the applicant acknowledged agreement thereof.

Ms. Broeren confirmed with the applicant their understanding that the four windows identified in staff's suggested modified condition shall be either offset or obscure.

COASTAL DEVELOPMENT PERMIT NO. 05-22 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) 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. 05-22:

1. Coastal Development Permit No. 05-22 for the construction of a new 3,793 sq. ft., two-story, single-family dwelling and attached garage with an overall building height of 28'-6", as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. 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 conditioned, complies with all applicable development regulations including maximum building height, minimum yard setbacks, maximum lot coverage, and minimum on-site parking. A condition is placed on the project requiring compliance with the required 10 ft. rear yard setback.
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 project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.

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. In addition, the project is subject to payment of required park fees, to be used for acquiring and maintaining public parkland for recreational use.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-22:

1. The site plan, floor plans, and elevations received and dated November 11, 2005, shall be the conceptually approved design with the following modifications:
 - a. The plans shall be modified to comply with the minimum 10 ft. required rear yard setback for the second story.
 - b. Doors located in the proposed garages shall not swing into the required parking areas.

- c. The first floor dining room window on the north elevation, first floor family room window on the south elevation, and bedroom windows on the second floor north elevation shall be offset from windows on existing residences.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval identified herein 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.
 - b. A letter from the Property Owner Association or Architectural Committee, if applicable, shall be submitted indicating that the proposed project has been approved, denied, or that the CC&R's do not require Association or Committee review.

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 1:43 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, JANUARY 25, 2006 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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