

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

**WEDNESDAY, MAY 31, 2006 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Mary Beth Broeren

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

**MINUTES:** May 17 and 24, 2006  
**APPROVED AS SUBMITTED**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: TEMPORARY USE PERMIT NO. 2006-001 (BELLA TERRA MALL GRAND OPENING EVENT – CONTINUED FROM THE MAY 17, 2006 MEETING WITH THE PUBLIC HEARING OPEN)**

**APPLICANT:** Patricia Rogers, 7777 Edinger Avenue Ste 133, Huntington Beach, CA 92647  
**PROPERTY OWNER:** DJM Capital Partners Inc., Bella Terra Associates, LLC, 109 S. La Cumbre Lane, Santa Barbara, CA 93105  
**REQUEST:** To permit a two-day outdoor event on September 8 and September 9, 2006, consisting of live entertainment, food tasting, beer and wine tasting, merchandise booths, and various skateboard demonstrations within the Bella Terra Mall parking lot.  
**LOCATION:** 7777 Edinger Avenue (north side of Edinger Avenue, west of Beach Boulevard)  
**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 presented in the executive summary.

Staff stated that the Police Department (PD) recommended conditions concerning on-site uniformed PD officers and identification of adults by mall security personnel per ABC requirements. Staff further stated that the Public Works Department recommended conditions concerning traffic control, signage, and driveway entrances.

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

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and a general discussion ensued with staff concerning placement of the fencing and signage in advance of the event.

**THE PUBLIC HEARING WAS CONTINUED OPENED.**

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

Ms. Broeren engaged in discussions with Patricia Rogers, applicant, concerning traffic control. Ms. Rogers advised that they have been working closely with the Police Department and John Simpson of the Fire Department.

Further discussion ensued concerning why the applicant chose the proposed location in the parking lot.

**TEMPORARY USE PERMIT NO. 2006-001 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 15304 of the CEQA Guidelines, because the project consists of a minor temporary use of land having negligible or no permanent effects on the environment.

**FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2006 001:**

1. The proposed temporary use 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 Ordinance, including the following policy of the Huntington Center subarea of the General Plan: *Promote the economic enhancement and revitalization of the Center.* The event will promote the grand opening of the newly redeveloped Bella Terra Mall formerly known as the Huntington Center.
2. Approval of the application for a two-day outdoor event on September 8 and September 9, 2006, consisting of live entertainment, food tasting, beer and wine tasting, merchandise booths, and various skateboard demonstrations within the Bella Terra Mall parking lot will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The event will be maintained, secured, and controlled in an appropriate manner with directional signage, traffic control and security personnel. The event location in the parking lot will not block entrances or accessibility to the businesses in the center. The event location provides a minimum of 500 ft. separation from the nearest adjacent property. In addition, an ample number of parking spaces will remain open for the event.

**CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2006-001:**

1. The site plan received and dated April 11, 2006, and floor plan and traffic control plans received and dated April 21, 2006, shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. Two weeks prior to the event, the applicant shall contract with the Police Department to provide a minimum of two uniform officers in addition to mall security to be provided on-site during the hours of operation. Cost of this action shall be borne by the applicant. The police contract shall include a one-half hour period before and after the duty time for briefing and travel. The applicant shall provide evidence of an approved contract with the Police Department to the Planning Department a minimum of two days prior to the event. **(PD)**
  - b. Security personnel shall inspect the identification of adults and apply wristbands at the event entrance to insure that they are of legal drinking age. **(PD)**
  - c. Appropriate signs (temporary) for direction of traffic and on-site parking shall be provided by the applicant. A sign program shall be submitted to the Traffic Division of the Police Department for review and approval a minimum of two weeks prior to the event. Evidence of an approved sign program shall be provided to the Planning Department a minimum of two days prior to the event.
  - d. Identifiable staff or personnel member(s) shall be on-site throughout the entire event to direct traffic into and out of the site. Specifically, a person designated to direct traffic at the northern end of the Parkside Street driveway must be provided to direct traffic away from the event area and avoid excess vehicle queuing. **(PW)**
  - e. The driveway entrance from Edinger Avenue at Parkside Street must remain open to public traffic at all time. Temporary closure of the driveway for the event shall not be permitted. **(PW)**
  - f. Advance signing for the proposed valet area north of the theater must be provided to avoid mixing general traffic with the valet operation and potentially resulting in vehicle queues extending into Center Avenue. **(PW)**
  - g. All California Department of Alcoholic Beverage Control requirements shall be met. **(PD)**

**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. 2006-011 (SURFCITY ROADHOUSE RESTAURANT)**

APPLICANT: Geary Weber, 5932 Warner Avenue, Huntington Beach, CA 92649  
PROPERTY OWNER: Old West Center, LLC, c/o Interpacific Asset Management, 5505 Garden Grove Boulevard, Suite 150, Westminster, CA 92683  
REQUEST: To permit the sale of alcoholic beverages for on-site consumption within an existing restaurant.  
LOCATION: 5932 Warner Avenue (southwest corner of Warner Avenue and Springdale Street)  
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 an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the suggested modifications to the plans.

Staff stated that the Police Department stated no concerns with the proposed project and that no complaints have been received at the subject location.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. Staff stated that the applicant has no concerns with the suggested modifications to the project plans.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that no written or verbal comments were received in response to the public notification. Ms. Broeren further reviewed the project plans where it is noted that an area for a stage exists. She confirmed with staff that there would not be a stage area.

**THE PUBLIC HEARING WAS OPENED.**

Alicia Manier, PO Box 2005, Huntington Beach, spoke on behalf of the proposed project, confirmed that there would not be a stage, and asked if the designated area for the stage could be used to install pinball machines for children.

Ms. Broeren advised that the ordinance does not allow for more than four games. She stated that the use would change to a game center and based upon the distance from residential uses the requirements for a game center could not be met.

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

Ms. Broeren stated that she was going to approve the request and asked staff to modify Suggested Condition of Approval No. 1.b to correct the floor plans to reflect that the stage area shall be eliminated.

**CONDITIONAL USE PERMIT NO. 2006-011 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, because the project consists of the operation of an existing commercial business involving negligible or no expansion of use beyond that previously approved.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-011:**

1. Conditional Use Permit No. 2006-011 to permit the sale of alcoholic beverages for on-site consumption within 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 use will not generate noise, traffic, demand for parking or other impacts at levels inconsistent with the commercial zoning applicable to the subject property.
2. The conditional use permit will be compatible with surrounding uses because the request represents only a negligible expansion of an existing bona fide restaurant use, on a commercially zoned property intended to serve the surrounding residential population.
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. Alcohol sales is permitted in the CG (Commercial General) zone, subject to conditional use permit approval. No new construction is proposed.
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 CG-F1 (Commercial General - .35 max FAR) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
  - a. LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
  - b. LU 10.1.1: 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 requested conditional use permit will accommodate an existing development by allowing the addition of alcohol sales to a permitted land use (restaurant). The proposed use will serve the needs of local residents and visitors to the City by providing for additional dining service and menu options.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-011:**

1. The site plan and floor plans received and dated March 7, 2006 shall be the conceptually approved design with the following modifications:

- a. The coin-operated game machines shall be limited to no more than four.
  - b. The floor plans shall be revised by eliminating the stage area and submitted to the Planning Department prior to issuance of Certificate of Occupancy.
2. No live entertainment is permitted unless a conditional use permit for this use is approved and an entertainment permit is issued by the Police Department.
  3. Prior to the sale of alcoholic beverages, 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.
  4. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations or floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action and the conditions herein. 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 Huntington Beach Zoning and Subdivision Ordinance.
  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.

**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. 2006-018 (NORTH AMERICAN HOMES)**

APPLICANT: Tom Le, 1904 California Street, Huntington Beach CA 92648  
PROPERTY OWNER: Jimmy Ngo, North American Management, 11555 Monarch Street, Garden Grove, CA 92841  
REQUEST: To permit development of one single-family dwelling on each of two adjacent lots with a grade differential exceeding three feet between the high and low point. 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: 701 – 703 California Street (northwest corner of California Street and Geneva Avenue)  
PROJECT PLANNER: Ron Santos

Ron Santos, Staff Planner, displayed project plans and photographs 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 presented in the executive summary.

Staff displayed the project plans and presented detailed explanations concerning the grading and slope of the subject property.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary and because the proposed project will be compatible with surrounding uses. Staff stated that three inquiries were received from surrounding property owners but no concerns were expressed. No other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, engaged in discussions with staff concerning dedications and the fact that the lot differential requires a conditional use permit.

**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 the applicant their awareness of the condition relative to the fence and requirement to comply with code.

**CONDITIONAL USE PERMIT NO. 2006-018 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 15303 of the CEQA Guidelines, because the project consists of the construction of a single-family residence on each of two adjacent lots, in a residential zone, in an urbanized area.

## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-018:**

1. Conditional Use Permit No. 2006-018 to permit development of one single-family dwelling on each of two adjacent lots with a grade differential exceeding three feet between the high and low point 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 project will be developed without significantly altering the existing grade of the subject property, which is currently developed with two detached dwelling units, and will maintain consistency with the predominant pad elevations and site grade conditions of adjacent properties.
2. The conditional use permit will be compatible with surrounding uses because the neighborhood is primarily developed with single family and multi-family residential units developed at a comparable grade. The proposed two-story residence will be compatible with other residential structures in the area taking into account the proposed building massing, height, and grade and that of existing homes in the immediate vicinity.
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. The project, as proposed, complies with all applicable development standards and code requirements, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking. The HBZSO allows development on parcels with a grade differential exceeding three feet between the high and low points of the lot 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 RMH-A (Residential Medium High Density – Small Lot) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
  - a. Policy LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character.
  - b. Policy LU 9.1.2: Require that single family residential units be designed to convey a high level of quality and character.
  - c. Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures.
  - d. Policy LU 9.2.1: Require that the use of building heights, grade elevations, orientation, and bulk are compatible with the surrounding developments.

The conditional use permit accounts for the unique characteristics of the project site, by allowing for development on a lot with a grade differential, based on plans which propose minimal alteration of the existing site grades. The proposed project incorporates quality materials and design. The grade elevations, building orientation, and bulk will be compatible with other residential properties existing in the neighborhood.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-018:**

1. The site plan, floor plans, elevations and grading plan received and dated April 27, 2006 shall be the conceptually approved design with the following modification: Freestanding walls/fences shall comply with the wall and fence height limits for the RMH-A zoning district prescribed in Section 230.88 of the Huntington Beach Zoning & Subdivision Ordinance.
2. Prior to submittal for building permits, a corrosion report must be prepared by a qualified person who will determine the suitability of buried pipe and recommend a method to protect buried pipe when corrosive soil is encountered. The recommendations of the report shall be printed on the plans. (B&S)
3. Prior to issuance of building permits, a copy of the grading plan approved by Planning and Public Works shall be attached to the approved sets of plans.

**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 1:55 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, JUNE 7, 2006 AT 1:30 PM.**

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Mary Beth Broeren  
Zoning Administrator

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