

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

**WEDNESDAY, JANUARY 31 2007 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Mary Beth Broeren

**STAFF MEMBER:** Ron Santos, Andrew Gonzales, Jeanie Cutler (recording secretary)

**MINUTES:** **NONE**

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

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2006-018 (HAYES RESIDENCE):**

APPLICANT: Stephen J. Fiduk, 318 Grand Canal, Newport Beach, CA 92662

PROPERTY OWNER: Chuck Hayes, 16882 Coral Cay Lane, Huntington Beach, CA 92649

REQUEST: To permit construction of a 5,163 sq. ft., two-story, single-family dwelling and demolition of a single-family dwelling. 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: 16882 Coral Cay Lane, Huntington Beach (east side of Coral Cay Lane, south of Courtside Circle)

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 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 no written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the project consists of a two car garage, four bedrooms and 50 percent lot coverage.

**THE PUBLIC HEARING WAS OPENED.**

Chuck Hayes, property owner, spoke in favor of the project stating his reasons for the new home were due to the age and condition of the existing house, and urged the Zoning Administrator's approval.

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

Ms. Broeren confirmed with staff that the Home Owners Association approval had been received.

**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 15302 of the CEQA Guidelines, the project consists of the replacement of an existing structure where the new structure will have substantially the same purpose and capacity as the structure replaced.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2006-018:**

1. Coastal Development Permit No. 2006-018 to permit construction of a 5,163 sq. ft., two-story, single-family dwelling and demolition of a single-family dwelling as proposed 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 including maximum building height, minimum yard setbacks and minimum on-site parking requirements.
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 addition 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. 2006-018:**

1. The site plan, floor plans, and elevations received and dated December 29, 2006 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: CONDITIONAL USE PERMIT NO. 2006-046 (MALIBU FISH GRILL)**

APPLICANT: Vasili Hateiris, 17965 Beach Boulevard, Huntington Beach, CA 92647  
PROPERTY OWNER: Daniel Akarakian, 7343 Trask Ave., Playa del Rey, CA 90293  
REQUEST: To permit the sale of beer and wine for on-site consumption at an existing restaurant located within 300 feet of a residential district.  
LOCATION: 17965 Beach Blvd. (north west corner of Beach Blvd., and Talbert Ave.)  
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, 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 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 no written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, confirmed with staff the location and that the shopping center had recently been renovated.

**THE PUBLIC HEARING WAS OPENED.**

Vasili Hateiris, applicant, stated his reason for the request was to provide a service to his customers and that he did not foresee the restaurant staying open later than 10:00pm.

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

Ms. Broeren confirmed with staff that there was no existing entitlement with conditions or conflicting hours.

**CONDITIONAL USE PERMIT NO. 2006-046 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 alterations to a commercial suite within an existing shopping center.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-046**

1. Conditional Use Permit No. 2006-046 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 it is a commercial use located in an existing commercial development with other commercial uses with similar characteristics.
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 are 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. 2006-046**

2. The site plan, floor plans, and elevations received and dated December 6, 2006, shall be the conceptually approved design.
3. The subject restaurant shall not operate between the hours of 1:30 AM to 8:00 AM. **(PD)**
4. 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.

**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, FEBRUARY 14, 2007 AT 1:30 PM.**

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Mary Beth Broeren  
Zoning Administrator

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