

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

WEDNESDAY, MARCH 21, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Herb Fauland, Acting Zoning Administrator

STAFF MEMBER: Ron Santos, Rami Talleh, Jeanie Cutler (recording secretary)

MINUTES: February 21 & 28, 2007

APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2007-005 (5 POINTS RESTAURANT):

APPLICANT: Randy Christensen, 18593 Main Street, Huntington Beach, CA 92648

PROPERTY OWNER: Sher Five Points, LLC, 225 108th Avenue N.E., #520, Bellevue, WA 98004

REQUEST: To permit the establishment of a 1,936 sq. ft. restaurant with alcohol sales and a 10 space reduction in required parking, based on parking survey data and a transportation demand management plan, at an existing shopping center.

LOCATION: 18685 Main Street (north side of Main Street, east of Delaware Street)

PROJECT PLANNER: Ron Santos

Ron Santos, 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, emphasizing the results of the parking study and surveys and provisions that are being made to manage the number of vehicles being parked at the shopping center.

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.

Herb Fauland, Acting Zoning Administrator, stated that he had visited the site and observed the parking situation; reviewed the findings and conditions of approval within the executive summary; reviewed the Transportation Demand Management (TDM) Plan; met with staff, the applicant, and property owner's representative; but, had not reviewed the parking study and surveys.

Staff confirmed that 20 parking surveys were conducted at varying times of day, which concluded that a minimum of 100 vacant parking spaces were available within the shopping center at any given time.

Staff confirmed the proposed hours of operation for the restaurant to be seven days per week from noon to 2:00pm and from 5:00pm to 10:00pm.

Staff confirmed there was no consideration in the TDM plan, referenced as condition of approval no.2, to encourage employees to park in the perimeter of the site along the Delaware and Ellis Avenue frontages of the parking lot.

THE PUBLIC HEARING WAS OPENED.

Randy Christenson, 18593 Main Street, applicant, confirmed that restaurant employees are required by management to park vehicles either, on the perimeter of the parking lot or behind the shopping center. Mr. Christenson pointed out that the previous tenant (5 Points Bar & Grille) had seating capacity for 96 and parking was never a problem.

Mr. Christenson confirmed that he would not be opposed to an amended condition requiring employee parking at the perimeter of the parking lot.

Maureen Sloane-James, 18593 Main Street, spoke in favor of the project and reiterated that the employee parking is enforced, and the company's monthly newsletter shows the designated employee parking areas and the penalty for non-compliance.

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

Mr. Fauland stated that he was going to approve the request and asked staff to modify the suggested conditions to include a statement that encourages employees to park on the perimeter of the parking lot.

CONDITIONAL USE PERMIT NO. 2007-005 WAS APPROVED BY THE ACTING ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ACTING ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ACTING 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 licensing of a commercial suite within an existing commercial center.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-005

1. Conditional Use Permit No. 2007-005 to permit the establishment of a 1,936 sq. ft. restaurant with alcohol sales and a 10 space reduction in required parking, based on parking survey data and a transportation demand management plan, at an existing shopping center, 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. A parking survey, prepared by a registered professional traffic engineer (January 2007), supports the proposed 10 space reduction in required parking and concludes that adequate on-site parking will be available to accommodate the proposed restaurant. The conditional use permit application was also reviewed by the Police Department and no concerns were identified. In addition, the proposed restaurant with alcohol sales is adequately buffered from all surrounding residential properties by existing public streets.
2. The conditional use permit will be compatible with surrounding uses because the use is proposed within an existing shopping center containing an assortment of retail, restaurant and service uses which generate a comparable intensity of use. The subject property is designed by the zoning and General Plan land use maps for commercial uses. The addition of a restaurant with evening-peak operation will help to maintain the desired balance and time-intensity distribution of activity within the shopping center, which includes uses such as Bank of America that have daytime peak usage. The proposed restaurant will also provide a desired service for the surrounding neighborhood.
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 (HBZSO). In addition, any specific condition required for the proposed use in the district in which it would be located. An eating and drinking establishment is a permitted use within the CG zoning district. The HBZSO permits alcohol sales and reductions in required parking for commercial uses based on survey data with approval of a conditional use permit. The applicant has prepared a Transportation Demand Management Plan (TDMP) in accordance with the provisions of HBZSO Section 231.08 – *Reduced Parking For Certain Uses*, and conditions of approval require submittal of evidence that the approved TDMP has been implemented.
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-F2-d 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 with alcohol sales 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 other service related uses.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-005

1. The plans received and dated January 31, 2007, shall be the conceptually approved design.
2. Prior to issuance of a Certificate of Occupancy, the applicant shall submit a Transportation Demand Management (TDM) Implementation Plan, which outlines in detail the specific measures to be undertaken to implement the TDM Plan prepared by Paul Cook and Associates received and dated January 31, 2007, for review and approval by the Planning Department. In addition, the TDM Implementation Plan shall require the property manager to encourage all employees of the various businesses within the shopping center to park along the perimeter of the parking lot. The applicant shall submit evidence that all measures provided for in the approved TDM Implementation Plan have been implemented.

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 1:50PM BY THE ACTING ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, MARCH 28, 2007 AT 1:30 PM.

Herb Fauland
Acting Zoning Administrator

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