

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

**WEDNESDAY, JUNE 27, 2007 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Herb Fauland, Acting Zoning Administrator

**STAFF MEMBER:** Andrew Gonzales, Rami Talleh, Jeanie Cutler (recording secretary)

**MINUTES:** **NONE**

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 2007-018 (AN'S RESTAURANT ALCOHOL SALES)**

**APPLICANT:** Dung Nguyen, 5782 Gloucester Circle, Westminster, CA 92683  
**PROPERTY OWNER:** Taki Sun, Inc., 6621 E. Pacific Coast Highway, Unit 280, Long Beach, CA 90803  
**REQUEST:** To permit the sales of alcoholic beverages for onsite consumption at an existing restaurant.  
**LOCATION:** 16400 Pacific Coast Highway, Suite 110, 92649 (east side of Pacific Coast Highway, north of Admiralty Drive – Peter's Landing)  
**PROJECT PLANNER:** Andrew Gonzales

Andrew Gonzales, 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. He stated that the Police Department had no comments or objections.

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

Herb Fauland, Acting Zoning Administrator, reported that he had not spoken to the applicant or staff but had visited the site many times.

In response to a question from the Zoning Administrator, staff confirmed that the restaurant is a full service restaurant.

**THE PUBLIC HEARING WAS OPENED.**

Dung Nguyen, applicant, confirmed he had reviewed the findings and conditions and agreed to abide by the code requirements.

**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 add the following statement to Finding No.1;

1. In addition, the sales and consumption of alcoholic beverages is proposed inside the restaurant only, and shall be in conjunction with a bona fide eating establishment.

**CONDITIONAL USE PERMIT NO. 2007-018 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 the minor modification to an existing use within an existing commercial center.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-018:**

1. Conditional Use Permit No. 2007-018 to permit the sale of alcoholic beverages for onsite consumption at 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 alcohol sales will not generate noise, traffic, demand for parking, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. Residential uses to the east and west of the subject site are separated from the existing restaurant at a distance of over 300 ft. The restaurant unit is located in the center of a commercial building with its storefront and entrance oriented toward Pacific Coast Highway away from the residences. In addition, the sales and consumption of alcoholic beverages is proposed inside the restaurant only, and shall be in conjunction with a bona fide eating establishment.
2. The conditional use permit will be compatible with surrounding uses because the proposed alcohol sales will be located within an existing restaurant at an established commercial center containing similar and complimentary uses.
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 and any specific condition required for the proposed use in the district in which it would be located. The restaurant is a permitted use and is located within an existing commercial center which conforms to setbacks, building height, and landscaping standards applicable to the CV-CZ (Commercial Visitor – Coastal Zone) 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 CV-F2-d (Commercial Visitor – 0.50 max. Floor Area Ratio – Design Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
  - a. 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, and capitalize on Huntington Beach's recreational resources.

- b. ED 2.4.3: 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.

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 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. 2007-018:**

1. The site plan and floor plans received and dated May 3, 2007 shall be the conceptually approved design.
2. 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 1:40PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, JULY 11, 2007 AT 1:30 PM.**

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Herb Fauland  
Acting Zoning Administrator

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