

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

**WEDNESDAY, NOVEMBER 14, 2007 - 1:30 P.M.**

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

**STAFF MEMBER:** Hayden Beckman, Tess Nguyen, Rami Talleh, Pamela Avila (recording secretary)

**MINUTES:** **NONE**

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

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2007-011 (HEINDL ADDITION)**

**APPLICANT:** Dennis D'ambra, 7752 Warner Avenue, Huntington Beach, CA 92647

**PROPERTY OWNER:** Dr. Lisa Heindl, 16276 Tisbury Circle, Huntington Beach, CA 92649

**REQUEST:** To permit the construction of a 405 sq. ft. first and second floor addition to an existing two-story single family dwelling and the construction of a 96 sq. ft. second floor balcony.

**LOCATION:** 16276 Tisbury Circle, 92649 (northside of Tisbury Circle, west of Mistral Drive – Humboldt Island, Huntington Harbor)

**PROJECT PLANNER:** Hayden Beckman

Hayden Beckman, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary and recommended approval of the request.

Herb Fauland, Acting Zoning Administrator, stated that he had no comments to make on this project. He made the following disclosures: he drove by the site, reviewed the executive summary, and discussed the project with staff. He indicated that he had no contact with the applicant or the property owner.

**THE PUBLIC HEARING WAS OPENED.**

Dennis D'ambra, the applicant, stated that he was willing to abide by code requirements and guidelines.

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

**COASTAL DEVELOPMENT PERMIT NO. 2007-011 WAS APPROVED BY THE ACTING 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) 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 15301 of the CEQA Guidelines, because the addition will not result in an increase of more than 50% of the floor area of the existing structure.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-011:**

1. Coastal Development Permit No. 2007-011 for an approximately 405 sq. ft. first and second floor addition to an existing two-story single family dwelling and a 96 sq. ft. second floor balcony, 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, and will not have significant adverse effects on coastal resources.
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 site coverage, maximum building height, minimum yard setbacks, and required on-site parking.
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 services and infrastructure available, including water, sewer, and roadways.
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. 2007-011:**

1. The site plan, floor plans, and elevations received and dated September 18, 2007 shall be the conceptually approved design.
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's

**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. 2007-037 (TAQUIERA DON VICTOR ALCOHOL SALES**

APPLICANT: Juan Sanchez, 17552 Beach Boulevard # D, Huntington Beach CA 92647  
PROPERTY OWNER: Lucia Leong, 3033 Alencastre Place, Honolulu HI 96816  
REQUEST: To permit the sales of alcoholic beverages for on-site consumption within an existing restaurant.  
LOCATION: 17552 Beach Boulevard # D, 92647 (east side of Beach Boulevard, south of Slater Avenue)  
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. 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 there would be no live entertainment.

The Police Department reviewed the request and had some concerns regarding intoxicated patrons loitering behind the premises. They suggested a condition that the rear door be used only by employees. The condition is suggested in the Executive Summary.

Mr. Fauland disclosed that he reviewed the Executive Summary, and discussed the project with Staff. He had no contact with the property owner nor their representative.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the Executive Summary.

**THE PUBLIC HEARING WAS OPENED.**

Juan Sanchez, through his interpreter, Francisco Cervantes, his son, confirmed that he was willing to abide by the conditions. Mr. Cervantes stated that the rear door would only be used for the receipt of merchandise for the business.

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

**CONDITIONAL USE PERMIT NO. 2007-037 WAS APPROVED BY THE ACTING 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 a minor modification to an existing use within an existing commercial center.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-037:**

1. Conditional Use Permit No. 2007-037 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 at an existing restaurant will not generate noise, traffic, demand for parking, 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 use. Residential uses to the east of the subject site will be adequately buffered from the restaurant by a 160 ft. separation. The separation consists of 110-foot wide parking lot and a 50-foot wide local street (Cameron Lane). In addition, the entrance of the restaurant is oriented away from residential units.
2. The conditional use permit will be compatible with surrounding uses because it will permit alcohol sales at an existing restaurant located within an existing commercial center with adequate parking capacity, in a suite adequately buffered by a 160 ft. separation from adjacent residential land uses to ensure no detrimental impact.
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 located within an existing commercial center which conforms to land use, setbacks, building height, and landscaping standards applicable to the General Commercial (CG) zoning designation. Alcohol sales are permitted in the CG zone, subject to conditional use permit approval.
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 General Commercial 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 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 visitors to the City by providing for additional dining service and menu options.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-037:**

1. The site plan received and dated October 9, 2007 and floor plan received and dated October 4, 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.
3. The rear door shall be used by employees only. (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 3: TENTATIVE PARCEL MAP NO. 2006-235 (DAWSON SUBDIVISION)**

APPLICANT/  
 PROPERTY OWNER: Keith Dawson, 15581 Placid Circle, Huntington Beach, CA 92647  
 REQUEST: To subdivide one parcel of land and portion of a vacated street right of way into two parcels for purposes of developing two single family homes.  
 LOCATION: 1021 Alabama St., 92648 (East side of Alabama St., terminus of Knoxville Ave.)  
 PROJECT PLANNER: Rami Talleh

Rami Talleh, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the Executive Summary and recommended approval of the request.

Mr. Fauland, Acting Zoning Administrator, disclosed that he had several discussions with staff, the applicant, the applicant's engineer, and Public Works staff regarding the project.

**THE PUBLIC HEARING WAS OPENED.**

Dick Cahl, the applicant's engineer, stated that the overhead transmission line bisecting the parcel could be placed underground. He detailed the strategy of how this issue could be resolved in a different manner. He objected to undergrounding utilities and stated it had not been done in other subdivisions on Alabama Street.

Mr. Fauland asked if he was agreeable to the other conditions of approval and if he understood the potential restrictions and requirements that may have to be met. Mr. Cahl stated that he understood and agreed to all the conditions of approval.

Mr. Fauland asked if the property owner was aware of the conditions of approval and potential restrictions. Mr. Cahl stated that the owner understood the restrictions and conditions of approval. Mr. Fauland asked if he would waive the requirement of a three day notice for informing applicants of conditions of proposed approval as required by the Subdivision Map Act. Mr. Cahl agreed to waive this requirement.

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

Mr. Fauland asked staff if conditions on November 9, 2007 memo were to replace all of the conditions in the Executive Summary. Staff stated that two of the conditions - #1B and #1C - would be replaced. There would be a new addition - Condition #D. Staff further confirmed that Condition #1A had not changed.

Mr. Fauland asked if the property owner was responsible for replacement or relocation costs for the current tenants of the existing four plex. Staff stated that they were not required by code to provide assistance to the tenants.

Mr. Fauland asked Mr. Steve Bogart of Public Works to rationalize the requirement to underground utilities for this property. Mr. Bogart stated that it stems from the General Plan to run all utilities underground throughout the city. It is a condition of approval for this project. Mr. Fauland stated that he would not require condition #1A, as it is too costly and that other subdivisions in the immediate area were not required to underground their utilities.

**TENTATIVE PARCEL MAP NO. 2006-235 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 15315 of the CEQA Guidelines, because the project consists of the subdivision of two parcels of land for purposes of developing two residential units.

### **FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 2006-235:**

1. Tentative Tract Map No. 2006-235 for the subdivision of one parcel of land consisting of a portion of vacated street right-of-way into two parcels for purposes of developing two single family homes is consistent with the General Plan Land Use Element designation of RMH (Residential Medium High Density) on the subject property. The proposed subdivision complies with all applicable code provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance. The site is developed with four residential units. The project will result in the demolition of units and facilitate the construct of two single family units, the maximum allowed by code.
2. The site is physically suitable for the type and density of development. The site is currently developed with four residential units and vacated street right-of-way improvements that will be demolished prior to recordation of the map. The proposed two-lot subdivision will comply with all applicable code provision of the HBZSO including the minimum parcel size of 2,500 sq. ft. as required by the RMH-A (Residential Medium High Density – Subdistrict A) zoning district. The proposed subdivision complies with the City's Standard Engineering Specifications for improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site is currently developed with four residential units and vacated right-of-way improvements and does not serve as habitat for either fish or wildlife.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. Any remnant easements within the vacated street right-of-way is conditioned to be quitclaimed prior to recordation of the final map. In addition a Southern California Edison (SCE) transmission line currently runs over the vacated right-of-way. The project is conditioned to comply with all SCE requirements for under-grounding or relocating the transmission line prior to recordation of the final map.

### **CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2006-235:**

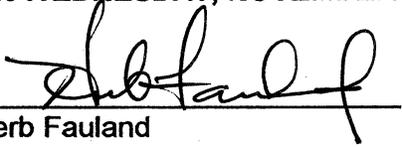
1. The Tentative Parcel Map No. 2006-235 for the subdivision of one parcel of land and portion of a vacated street right-of-way into two parcels for purposes of developing two single family homes received and dated September 4, 2007 shall be the approved layout.

2. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be required: **(PW)**
  - a. The existing overhead SCE electrical transmission line crossing "Parcel 1" of the subject tentative parcel map from the SCE pole at the southeast corner of Alabama Street and Knoxville Avenue westerly to the SCE pole directly west of "Parcel 1" (in the abandoned Southern Pacific Railroad Right-of -Way) shall be addressed with SCE by the applicant. The applicant shall comply with all requirements set forth by SCE (i.e. easement, under-grounding, relocating, etc.) and proof of their requirements shall be submitted to Public Works along with submittal of the Final Parcel Map for first plan check. All remaining easements within both lots of subject map shall also be shown on the Final Parcel Map.
  - b. The applicant shall abandon the City's "Permanent Easement" over "Parcel 1" of the subject tentative parcel map via a formal street vacation process through the Planning and Public Works Departments or via the Final Parcel map. This "Permanent Easement" is defined by Resolution No. 6636, adopted by the City Council on October 3, 1994, as "The City hereby reserves and excepts from the vacation (for street purposes) a permanent easement and right at any time or from time to time, to construct, maintain, operate, replace, remove and renew storm drains, sanitary sewers, water mains and appurtenant structures in, upon, over and across such street or any vacated portion thereof, or otherwise to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from flammable materials. Wood growth, and otherwise protect same from all hazards in, upon, and over the easement for public street purposes to be vacated of a portion of Knoxville Avenue."
  - c. Along with submittal of the Final Parcel Map for first plan check, the applicant shall provide quitclaim deeds for abandonment of all other existing easement interests and rights to the remaining, undeveloped portion of Knoxville Avenue (westerly of Alabama Street) by any and all parties who hold interest in such property. The original map of the Vista Del mar Tract (MM 4, Page 3 of Official Records of Orange County) indicates, "Rights to use the streets and alleys (for public utility purposes)..." were also dedicated to the "owner" at the time of the subject land subdivision. City records indicate this present holder of such easements is Chevron Corporation (formerly held by Huntington Beach Company). Additionally, other utility companies, including but not limited to: oil companies, Southern California Gas Company, Time Warner and Verizon, may hold easements for access and utility purposes over the subject property as well.
3. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>)

**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 2:00 PM BY THE ACTING ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, NOVEMBER 21, 2007 AT 1:30 PM.**



Herb Fauland  
Acting Zoning Administrator

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