

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

WEDNESDAY, APRIL 20, 2011 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Jill Arabe, Andrew Gonzales, Judy Demers
(recording secretary)

MINUTES: September 1, 2010
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 11-005 (STRACHAN RESIDENCE ADDITION)

APPLICANT: Greg Howell, Sky View Designs
PROPERTY
OWNER: Robert and Charon Strachan
REQUEST: To permit a 340 sq. ft. living room addition to an existing 1,550 sq. ft. one-story, single family residence.
LOCATION: 16651 Peale Lane, 92649 (west side of Peale Lane, north of Gilbert Lane)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, 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 for approval as presented in the executive summary.

Ms. Nguyen stated that staff received no public comments.

THE PUBLIC HEARING WAS OPENED.

Greg Howell, the applicant, stated that he has no comments or concerns with staffs' recommended conditions of approval.

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

Mr. Ramos stated that based on the information provided, he would approve the request as recommended by staff.

COASTAL DEVELOPMENT PERMIT NO. 11-005 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY 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 additions to existing structures are exempt provided that they are less than 50 percent of the existing floor area of the structure.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-005:

1. Coastal Development Permit No. 11-005 to permit a 340 sq. ft. living room addition to an existing 1,550 sq. ft. one-story single family residence conforms with the General Plan, including the Local Coastal Program Land Use Designation of Residential Low Density. The proposed project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The project includes a minor addition to an existing one-story single-family home on a previously developed site, contiguous to existing residential developments.
2. The project is consistent with the requirements of the Coastal Zone Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The addition will be within the allowable building envelope with no increase in overall building height or total number of bedrooms. The project complies with all applicable development regulations, including maximum building height and site coverage, and minimum setbacks and 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 necessary 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, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-005:

1. The site plan, floor plans, and elevations received and dated February 28, 2011, shall be the conceptually approved design with the modification that bathroom windows shall be of obscure glass.
2. Prior to submittal for building permits, zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. The structure(s) cannot be occupied and the final building permit(s) cannot be approved, until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
5. Coastal Development Permit No. 11-005 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
6. 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/green-building-guidelines-rating/>).

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. 11-007 (JACK'S SURFBOARDS)

APPLICANT: Michael Volk, MVA Architects
PROPERTY
OWNER: AMB Property Corporation
REQUEST: To permit the establishment of an approximately 5,900 sq. ft. commercial retail use in conjunction with an existing 52,000 sq. ft. warehouse business.
LOCATION: 16350 Gothard Street, #101, 92647 (east side of Gothard St., between Heil Ave. and Edinger Ave.)
PROJECT PLANNER: Jill Arabe

Jill Arabe, Assistant 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 for approval as presented in the executive summary.

Ms. Arabe, stated that staff received two phone calls inquiring about the proposed project.

THE PUBLIC HEARING WAS OPENED.

Michael Volk, applicant, stated that he had no comments or concerns with staff's recommended conditions.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 11-007 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

SUGGESTED 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 the interior of an existing building involving negligible expansion of the existing use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-007:

1. Conditional Use Permit No. 11-007 to establish an approximately 5,900 sq. ft. of commercial retail use within an existing 52,000 sq. ft. warehouse business 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 ancillary use will not occupy more than 25% of the primary industrial warehouse use. The proposed use will serve employees of the existing business as an employee outlet store that sells

merchandise manufactured on-site. Based upon the conditions imposed, no exterior signage will be permitted to advertise the retail use which will minimize advertising to the general public thereby limiting traffic to the site. Therefore, no significant impacts related to noise, safety, and traffic are anticipated by establishing the adjunct commercial retail use.

2. The conditional use permit will be compatible with surrounding uses because it is ancillary to an existing industrial use and occupies an area less than 25% of the existing warehouse business. The proposed hours of operation will be consistent with normal business hours. As conditioned, no advertisement of the commercial retail use will be permitted and, therefore, will reduce the overall visibility of the business by the general public and function in a different capacity than a typical commercial retail use. The proposed use will be compatible with surrounding sites within the vicinity containing mixed industrial and commercial uses.
3. The proposed conditional use permit will comply with the provisions of the base district of IG (Industrial General) and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Adjunct commercial space not in excess of 25% of the floor area of a primary industrial use is allowed with the approval of a conditional use permit. The proposed use conforms to the provisions regulating adjunct commercial space based upon the narrative and conditions imposed.
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 Industrial on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU 12 Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding subregion, and generate revenue for the City.

Policy LU 12.1.1 Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales areas for manufacturers and photocopy stores), restaurants, financial institutions, and similar uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1.

B. Economic Development Element

Goal ED 1 Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

The proposed conditional use permit will allow commercial retail space within an existing industrial building, subject to provisions consistent with the zoning ordinance. The use is intended to serve employees of the industrial use by selling surplus merchandise manufactured on-site and provide additional job opportunities. The business will include an area for manufacturing in conjunction with the adjunct retail area.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-007:

1. The site plan, floor plans, and elevations received and dated March 30, 2011, shall be the conceptually approved design with the following modifications:
 - a. On Sheet A-1, the site plan shall be amended to reflect the anticipated interior improvements that are to accommodate the newly established retail area within Suite 101.
 - b. On Sheet A-1, the area calculations and parking matrix shall be amended to accurately reflect the floor area allocations of onsite uses.
2. Prior to submittal for building permits, zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. The use shall not commence until a covenant agreement shall be submitted to the Planning & Building Department restricting the mix of onsite uses on the subject property. Said agreement shall be reviewed and approved to form by the City and recorded with the Office of the County Recorder. A copy of the recorded document shall be filed with the Planning & Building Department for inclusion in the entitlement file. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to expressed written approval by the City.
4. The use shall comply with the following:
 - a. Only the uses described in the narrative received and dated March 31, 2011, shall be permitted.
 - b. No exterior signs including window, wall, or temporary signs shall advertise the retail use.
 - c. Retail sales are limited to only the goods manufactured on-site.
 - d. The adjunct commercial retail use shall only be operated in conjunction with the existing warehouse business.
 - e. The retail area shall not be subdivided as a separate unit.
 - f. The use conditions listed herein shall be posted at all times.
5. CUP No. 11-007 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning & Building Department a minimum 30 days prior to the expiration date.
6. 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.

ITEM 3: CONDITIONAL USE PERMIT NO. 11-006 (LOS PRIMOS CANTINA BEER AND WINE SALES)

APPLICANT:	Jesus Padilla, Los Primos Cantina
PROPERTY OWNER:	Business Properties Partnership No. 17
REQUEST:	To permit the onsite sale and consumption of beer and wine in conjunction within an existing 1,500 sq. ft. restaurant.
LOCATION:	10176 Adams Avenue, 92646 (south of Adams Avenue, east of Brookhurst Street)
PROJECT PLANNER:	Andrew Gonzales

Andrew Gonzales, 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 for approval as presented in the executive summary.

Mr. Gonzales, stated that staff received no public comments.

THE PUBLIC HEARING WAS OPENED.

Jesus Padilla, the applicant, stated he had no comments or concerns with staff's recommend conditions.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 11-006 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY 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 involves no expansion in the overall floor area of an existing restaurant use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-006:

1. Conditional Use Permit No. 11-006 for the establishment, maintenance and operation of onsite sales and consumption of beer and wine within an existing 1,500 sq. ft. 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 subject tenant space is located approximately 18 ft. from the nearest residential property to the east. Residential uses are buffered from the restaurant by a minimum 6 ft. high perimeter block wall and landscaping. The restaurant's entrance doors are located along the west and north sides of the building facing the parking lot and Adams Avenue which are oriented away from nearby residences. Alcohol consumption will be limited to the interior of the business and based upon the conditions imposed is not anticipated to generate additional noise, traffic, and safety impacts beyond which already exists in the surrounding area. The proposed use will operate in conjunction with an eating and drinking establishment. Furthermore, no additional parking is required for the use.
2. The conditional use permit will be compatible with surrounding uses because the sales and consumption of alcohol will be ancillary to an existing restaurant use and occur within the interior of the restaurant during business hours similar to other commercial uses within the vicinity. The restaurant is located within an existing multi-tenant commercial shopping center and consistent with adjacent uses, which serve nearby residents and visitors.
3. The proposed conditional use permit will comply with the provisions of the base zoning district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The restaurant with alcohol sales is located within an existing commercial center and complies with minimum on-site parking requirements. Alcohol sales are permitted in the CG (Commercial General) zoning district subject to 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 Commercial General (CG) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

Objective 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.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

B. Economic Development Element

Policy 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 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 within an existing commercial center, which includes service and retail uses. Based upon the operational conditions imposed, the restaurant with alcohol is not anticipated to result in negative impacts on adjacent properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-006:

1. The site plan and floor plans dated February 23, 2011 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The sales and consumption of alcoholic beverages shall not be permitted between the hours of 12:00AM and 7:00AM the following day. **(PD)**
 - b. Food from the regular menu shall be available during regular business hours up until at least one hour prior to the scheduled closing time. **(PD)**
 - c. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for offsite consumption shall be prohibited. **(PD)**
 - d. A sign shall be clearly posted identifying that alcoholic beverages are not allowed outside the confines of the restaurant. **(PD)**
 - e. All alcoholic beverages shall be served in clearly identifiable and distinctive glasses, which are different from those containing non-alcoholic beverages. **(PD)**
 - f. All areas to be utilized for the sales, service and consumption of alcoholic beverages shall be sufficiently illuminated to allow for the clear identification of patrons. **(PD)**
 - g. The submitted floor plan shall not be modified without prior approval from the Huntington Beach Police Department. **(PD)**
 - h. Dancing and entertainment without the approval of a conditional use permit shall be prohibited. **(PD)**

- i. 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 and Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - j. The use conditions listed herein shall be clearly posted on the premises at all times.
3. CUP No. 11-006 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.

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 1:46 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MAY 4, 2011, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:jd