

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

WEDNESDAY, JUNE 17, 2015 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jill Arabe, Tess Nguyen, Ethan Edwards, Judy Demers

MINUTES: May 20, 2015
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 15-010 (GALITZEN PARKING CONTROLS)

APPLICANT: Aaron & Melissa Galitzen, PO Box 151, Huntington Beach, CA 92648

PROPERTY OWNER: Don & Hanya Galitzen, PO Box 151, Huntington Beach, CA 92648

REQUEST: To permit the establishment of parking controls with the use of a security and revenue control company to ensure parking for tenants and customers and the collection of fees for public parking opportunities. The parking control operation is requested on weekends (Friday through Sunday) between Memorial Day weekend and Labor Day weekend, during seven holidays, the Super Bowl/Surf City Marathon, and Surf City Nights (Tuesdays).

LOCATION: 315 3rd Street, 92648 (west side of 3rd St. between Olive Ave. and Orange Ave.)

CITY CONTACT: Jill Arabe

Jill Arabe, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Ms. Arabe noted that staff received one comment from the Coastal Commission staff. The issues were identified and eliminated.

Ricky Ramos, Zoning Administrator, verified with staff that the parking control program was in place. Staff verified that the details of the parking program are listed in the narrative provided in the executive summary. Mr. Ramos stated that he had no other questions for staff.

THE PUBLIC HEARING WAS OPENED.

Melissa Galitzen, applicant, stated that she had no comments or concerns with staff's recommendations.

Dave Hanson, Jax Bicycles, inquired if the property owner is liable for any damages that may occur on the property. Mr. Ramos verified that the property owner is responsible for issues regarding the owners property. Mr. Hanson stated that he supports the proposed project and believes it will be beneficial to the business owners and residents.

Don Galitzen, applicant, inquired if there was an expiration date to the permit if the proposed project is approved, Ms. Arabe stated that there is not an expiration date. A brief discussion took place regarding the process should any future amendments be required.

Susan Welfringer, Business Improvement District, spoke in support of the proposed project. She stated that it would be a benefit for the downtown businesses and local residents.

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

Mr. Ramos stated he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 15-010 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 consists of parking controls for an existing parking lot involving no expansion of the existing commercial uses.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-010:

1. Conditional Use Permit No. 15-010 for the establishment and operation of parking controls with the use of a security and revenue control company to ensure parking for tenants and the collection of fees for public parking opportunities 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 conditional use permit will improve parking capacity during peak parking conditions (i.e., holidays, summer weekends, Surf City nights) within the downtown area by allowing the public to park in onsite vacant spaces at a cost. Based upon the conditions imposed, the proposed use will also supply adequate surveillance for the property through the presence of onsite security and control unauthorized vehicles from occupying parking spaces necessary for the use of the tenants and customers.
2. The conditional use permit will be compatible with surrounding uses because it will help alleviate parking impacts during peak parking conditions by providing public parking opportunities onsite. Security at the entrance of the property during certain times of the year, as conditioned, will control the use of parking spaces and any potential activities in the parking lot.
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. The project will not result in major physical changes to the site. Onsite security will ensure proper usage of the parking lot during peak parking conditions by the tenants and the public.
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 M>30-d-sp-pd (Mixed Use – 30 du/acre – Design Overlay – Specific Plan Overlay – Pedestrian Overlay) on the subject

property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Circulation Element

Policy CE 6.2: Support and collaborate with property owners to manage the supply of parking.

Policy CE 6.3: Allow for shared parking and other creative parking arrangements that optimize available parking areas.

B. Coastal Element

Objective C 2.4: Balance the supply of parking with the demand for parking.

The conditional use permit will prevent the use of the parking lot from unauthorized vehicles and minimize towing occurrences. Additional public parking opportunities during peak times are beneficial to the downtown area because the demand for parking is high. Increasing the overall parking capacity will help meet the demand. Based upon conditions imposed, adequate parking will also be provided for tenants and respective customers to ensure proper usage of the parking lot.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-010:

1. The site plan received and dated April 14, 2015 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The uses as described in the narrative received and dated April 14, 2015, shall be permitted.
 - b. The use shall only operate between the hours of 5:00 a.m. and 11:00 p.m. on the following days annually:
 - i. Weekends (Friday – Sunday) between Memorial Day weekend and Labor Day weekend
 - ii. Seven holidays – New Year's Day, St. Patrick's Day, Cinco de Mayo, 4th of July, Memorial Day, Labor Day, and Halloween
 - iii. Superbowl / Surf City Marathon day
 - iv. Surf City Nights (Tuesdays year round)
 - c. A security person and/or attendant shall be present during all days/hours of operation listed under Condition No. 2a. Security/attendant shall ensure that no queuing occurs within the public right-of-way.
 - d. Temporary signage (i.e., posted hours of operation, prices, etc.) during hours of operation may be permitted subject to review and approval by the Planning and Building Department.
 - e. A-frame signs shall not be permitted. **(HBZSO Section 233.10)**
 - f. The parking lot shall be maintained clear of trash and debris.
 - g. Temporary structures associated with the use shall be removed after the closing of each scheduled operation.

3. CUP No. 15-010 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.
4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. The Director of Planning and Building shall be notified in writing if any changes to parking control operations are proposed as a result of the ongoing operation and oversight of the use.
6. Minor modifications to the plans and operations shall be reviewed and approved by the Department of Planning and Building for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required.

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. 15-009 (RIIP BEER COMPANY)

APPLICANT: Ryan Rasmussen, Riip Beer Company, 301 Main Street, Suite 208, Huntington Beach CA 92648
PROPERTY OWNER: Village Plaza, 645 W. 9th Street, Unit 110-207, Los Angeles CA 90015
REQUEST: To establish a 1,075 sq. ft. craft beer supply store and a beer tasting area (onsite and offsite consumption).
LOCATION: 17214 Pacific Coast Highway, 92649 (east side of PCH, north of Warner Ave.)
CITY CONTACT: 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 provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Ryan Rasmussen, applicant, stated that he had no comments or concerns with staff's recommendations.

Ghada Amash, business owner, stated that she had concerns with a potential increase in the homeless population loitering in the center. A brief discussion took place regarding the

proposed project and the proposed business plan. It was explained that the beer tasting would not be free and there is no food being served which should be a deterrent for homeless individuals.

Seth Amash, property owner, cited his concern with the homeless community camping out at the proposed location. He explained that unfortunately it has become a problem for the area. A brief discussion took place regarding the center's current issues and that the proposed project would improve the center and be productive in deterring homeless individuals from congregating as vacant areas become occupied.

Mr. Ramos stated that the homeless population has become an issue in the area. However, the proposed project does not appear to be a contributing factor for the homeless problem.

Susan L., spoke in support of the proposed project. She stated that the project would be a nice addition to the center.

Brandon Amash, resident, spoke regarding the proposed project. He stated that the hours should be limited. Mr. Ramos verified the hours of operation were limited and listed in the executive summary.

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

Mr. Ramos stated he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 15-009 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 commercial building.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-009:

1. Conditional Use Permit No. 15-009 for the establishment, maintenance and operation of an approximately 1,075 sq. ft. craft beer supply store and a beer tasting area (onsite and offsite consumption) 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 is not anticipated to generate noise, traffic, parking and other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. The site is surrounded by commercial uses to the east, west, and south. Residential uses to the north of the subject site are buffered from the existing building by a 6 ft. high perimeter block wall. The storefront and entrance are oriented toward Pacific Coast Highway, away from nearby residences. The consumption of alcoholic beverages will be for sampling purposes and be contained within a delineated area inside the store.

2. The conditional use permit will be compatible with surrounding uses because the onsite consumption of alcoholic beverages will be ancillary to a proposed craft beer store and will occur entirely within the interior of a commercial building.
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 use in the district in which it is located. The proposed craft beer supply store with beer tasting area conforms to applicable site development requirements including minimum onsite parking. The onsite consumption of alcoholic beverages is permitted the CG (Commercial General) zoning district with the 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, serve visitors to the City, 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 beer tasting will be ancillary and incidental to a proposed craft beer supply store. 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. Based upon the operational conditions imposed, the beer tasting is not anticipated to result in negative impacts on adjacent properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-009:

1. The site plan and floor plan received and dated April 13, 2015 shall be the conceptually approved design.
2. Prior to submittal for building permits, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works 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 comply with the following:

- a. The onsite service and consumption of alcoholic beverages shall be permitted between the hours of 11:00 AM and 10:00 PM on Mondays through Saturdays, and between the hours of 11:00 AM and 8:00 PM on Sundays.
- b. Prior to the service of alcoholic beverages, a copy of the Alcoholic Beverage Control 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. The business shall be limited to the conditions contained in the ABC Board Type 23 License (Small Beer Manufacturer).
- c. The onsite service and consumption of alcoholic beverages shall be limited to the designated tasting area. All persons under 21 years of age are prohibited in the tasting area during tasting events. **(PD)**
- d. Live entertainment shall be prohibited without the approval of a conditional use permit. **(PD)**
- e. All areas of the store where the sales, service, and consumption of alcoholic beverages occur shall be equipped with lighting with sufficient power to illuminate and permit the identification of patrons. **(PD)**
- f. All owners, employees, representatives, and agents shall obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise at all times. **(PD)**
- g. All persons serving alcohol shall have previously attended LEADS alcohol safety training through the Alcohol Beverage Control (ABC). **(PD)**
- h. A clearly legible sign shall be affixed inside the tasting area entrance stating "No open alcoholic beverages will be permitted outside the tasting area". **(PD)**
- i. There shall be no pitcher service of beer. Serving sizes shall be limited to a maximum size of 16-ounce pints of beer (as defined by §23006 of the California Business and Professions Code). **(PD)**
- j. No "happy hour" or reduced price alcoholic beverage promotion shall be allowed at any time. **(PD)**
- k. Only samples provided by the business shall be allowed. **(PD)**
- l. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel shall be forbidden. **(PD)**
- m. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- n. There shall be no window coverings or advertisements that reduce the visibility inside of the business. **(PD)**

- o. No loitering shall be permitted within the vicinity of any entrances and exits at any time.
(PD)
 - p. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras shall be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating/drinking areas, and parking areas are covered by video surveillance. Electronic copies of video shall be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. (PD)
- 4. Conditional Use Permit No. 15-009 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.
 - 5. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
 - 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.

THE MEETING WAS ADJOURNED AT 1:57 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JULY 1, 2015, AT 1:30 P. M.

R Ramos

Ricky Ramos
Zoning Administrator

RR:EE:jd