

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

WEDNESDAY, NOVEMBER 20, 2013 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Hayden Beckman, Jill Arabe, Ethan Edwards,
Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 13-011 (ROSENSTEIN RESIDENCE):

APPLICANT: Ernest De Leon, Architect
PROPERTY OWNER: Ron Rosenstein, 3321 Devon Circle, Huntington Beach, CA
92649
REQUEST: To permit the construction of an approximately 2,286 sq. ft.
second floor addition on an existing 2,960 sq. ft. one-story single-
family residence for a total square footage of approximately 5,246
sq. ft. two-story residence at a maximum height of 30 feet.
LOCATION: 3321 Devon Circle, 92649 (north side of Devon Circle, near
Channel Lane)
PROJECT PLANNER: Kristi Rojas

Kristi Rojas, Project 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. Rojas noted that she received one email regarding the removal of the property's overhang.

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

THE PUBLIC HEARING WAS OPENED.

Ernest De Leon, applicant, state that he had no comments or concerns with staff's recommendations. He gave a brief overview of the project noting the overhang was going to be removed.

Juliana Rosenstein, property owner, stated that she was grateful for staff's assistance and looked forward to the proposed project getting started.

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, he noted that he would make a minor change to Condition 3 requiring the applicant to submit revised plans for the City's' files.

COASTAL DEVELOPMENT PERMIT NO. 13-011 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 15303. of the CEQA Guidelines, because the project consists of an addition to an existing single-family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-011:

1. Coastal Development Permit No. 13-011 for the development project, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The 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 proposed construction will occur on a developed site, contiguous to existing residential development.
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. The addition will comply with all applicable development regulations, including maximum building height, and minimum yard setbacks
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. 13-011:

1. The site plan, floor plans, and elevations received and dated October 3, 2013 shall be the conceptually approved design with the following modifications.
 - a. The floor plan and site plan shall be revised to ensure that there will be three open parking spaces available to comply with Section 231.04 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
 - b. The existing garage overhang and post at the southeast corner of the property shall comply with the minimum side yard setback of 5 feet.
2. If demolition consists of 50% or more of the existing residence, then the addition shall demonstrate compliance with the Infill Lot Ordinance per Section 230.22 of the HBZSO.

3. Prior to submittal for building permits, the following items must be completed:
 - a. The applicant shall submit revised plans pursuant to Condition No. 1 to the Planning Division for review, approval and inclusion in the file.
 - b. The zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Building & Planning, 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.
4. During 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.
5. The final building permit cannot be approved until the following has 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.
6. CDP No. 13-011 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 Division a minimum 30 days prior to the expiration date.
7. 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. 13-020 (PAWS CHATEAU)

APPLICANT: Louise Ann McCullough
PROPERTY OWNER: Talbert Partners, 9990 S. Santa Monica Boulevard, Beverly Hills, CA 90212
REQUEST: To permit (a) the establishment of a 7,200 sq. ft. dog daycare facility with overnight boarding, obedience training, and dog spa; and (b) an 11 space parking reduction associated with the proposed use within an existing multi-tenant industrial building.
LOCATION: 7680 Talbert Avenue, Unit I, 92647 (southwest corner of Talbert Avenue and Kovacs 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 provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Ms. Nguyen noted that staff had received one letter and two phone calls citing concerns that the proposed project could create potential increase in noise.

Ricky Ramos, Zoning Administrator, inquired with staff if the parking spaces provided met the Code Requirement. Ms. Nguyen explained that the proposed project is located in a multi-tenant building and the parking calculations are based on the total number of spaces at the site. The parking requirement has been met.

THE PUBLIC HEARING WAS OPENED.

Louise Ann McCullough, applicant, stated that she had no comments or concerns with staff's recommendations.

Judy Fowler, resident, spoke in opposition of the project citing concerns with potential noise increase.

Mr. Ramos noted that noise should not be an issue since the use will be indoors only, there is some distance to sensitive uses, and the City has a noise ordinance.

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. 13-020 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 minor alterations to an existing industrial building involving no expansion in the overall floor area of the structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-020:

To permit the establishment of a 7,200 sq. ft. dog daycare facility with overnight boarding, obedience training, and dog spa.

1. Conditional Use Permit No. 13-020 for the establishment of a 7,200 sq. ft. dog daycare facility with overnight boarding, obedience training, and dog spa at an existing industrial development 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 will not generate traffic or other impacts detrimental to surrounding properties and inconsistent with the adjacent property's industrial zoning. The project site will be separated from nearby residential developments to the east by a distance of approximately 350 ft., which provides an adequate buffer from potential negative impacts associated with the use.
2. The conditional use permit will be compatible with surrounding uses because the animal boarding facility will be located within an existing multi-tenant industrial building surrounded by industrial uses such as automobile repair, storage, personal enrichment uses. The proposed use will be located in a fully enclosed suite located approximately 350 ft. from the nearest sensitive land use (i.e. residential), thereby limiting any associated detrimental impacts with the use and ensuring compatibility with the surrounding area.
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) and any specific condition required for the proposed use in the district in which it would be located. Animal boarding facilities are permitted in the IL (Industrial Limited) zone, subject to the approval of conditional use permit. The project is located within an existing industrial building, which conforms to applicable site developments standards in terms of minimum setbacks, maximum building height, and maximum floor area ratio with exception of the request for reduced parking.
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 goal and policies of the General Plan:

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

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 revenues 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.

The requested conditional use permit will accommodate new development by allowing the establishment of an animal boarding facility. The proposed use will provide new job opportunities for existing and future residents, including those located within the surrounding region. The proposed use will be located in an existing industrial building, which includes automobile repair, storage, and personal enrichment uses consistent with the Land Use and Density Schedules in the General Plan.

To permit an 11-space parking reduction associated with the establishment of a 7,200 sq. ft. dog daycare facility within an existing multi-tenant industrial building.

1. Conditional Use Permit No. 13-020 for an 11-space reduction in required parking to allow the establishment of a 7,200 sq. ft. dog daycare facility within an existing multi-tenant industrial building is based on a parking demand analysis, prepared by Albert Grover & Associates and David Chen, a state-registered engineer (September 2013). An analysis was provided between the City's off-street parking requirements for the project and the forecasted parking demand as determined by a case study of another dog daycare facility (Paws Pet Resort) located in Lake Forest. The study concludes that the code required 36 spaces for the dog daycare facility is 25 more spaces than expected to be utilized during the highest peak parking demand. As a result, the parking demand study supports a 11-space reduction and concludes that adequate on-site parking can be accommodated for the proposed dog daycare facility.
2. The proposed 7,200 sq. ft. dog daycare facility will not generate additional parking demand based on a parking demand analysis prepared by Albert Grover & Associates. The study relied on a survey and analysis of an existing dog daycare facility in Lake Forest. The study determined that the City's minimum onsite parking requirement for the dog daycare facility is in excess of 25 spaces than the expected peak parking demand.
3. A Transportation Demand Management plan was prepared by Louise McCullough for the existing multi-tenant industrial building. The Plan incorporates transportation demand management measures such as bicycle racks and transit information. The Plan integrates transportation demand management strategies as required by HBZSO Section 230.36 which has been approved by the Director of Planning and Building.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-020:

1. The site plan received and dated September 24, 2013, floor plans and elevations received and dated June 28, 2013 shall be the conceptually approved design.
2. All activities associated with the proposed use shall be conducted entirely indoors.

3. Conditional Use Permit No. 13-020 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. 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 3: DRAFT MITIGATED NEGATIVE DECLARATION NO. 13-009 (7th STREET HISTORIC DEMOLITION)

APPLICANT:	James King, 725 Ultimo Avenue, Long Beach, CA 90814
PROPERTY OWNER:	Laura King Living Trust, 425 Ultimo Avenue, Long Beach, CA 90814
REQUEST:	To analyze the potential environmental impacts associated with the demolition of existing site improvements including eight existing multi-family apartment units within four buildings and an existing garage/laundry room accessory structure on the property located at 122-124 7 th Street. Redevelopment of the property is not proposed as part of the project. The project is required to undergo CEQA review because of its potentially historic status. The subject property is considered potentially historic according to the City's 1986 Historic Resources Survey Report. The 1986 report assigned the property a Historic Resource Code of 5S2. This designation means that a property is eligible for local listing or designation.
LOCATION:	122 and 124 7 th Street, Huntington Beach, CA 92648 (east side of 7 th Street between PCH and Walnut Avenue)
PROJECT PLANNER:	Jennifer Villasenor

Jennifer Villaseñor, Senior 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 mitigation measures as presented in the executive summary. Ms. Villaseñor noted that staff had received two letters, the first was from CalTrans noting the requirements for permits and a construction management plan for encroachment into their right-of-way. Staff did respond informing CalTrans that the project was not in their right-of-way. The second letter was from the Historic Resources board disagreeing with the findings in the Mitigated Negative Declaration. Staff responded to the letter.

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

THE PUBLIC HEARING WAS OPENED.

Laura King, property owner, gave a brief overview of the condition of the property. She cited concern with the mixed-use requirement.

Mike Connors, general contractor, inquired of the applicant's options. Mr. Ramos explained that the first step would be to finalize the hearing and then the applicant would be able to decide to move forward with the demolition or leave the property as is. A brief discussion took place regarding the property and potential options.

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.

MITIGATED NEGATIVE DECLARATION NO. 13-009 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MITIGATION MEASURES STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION 13-009:

1. Mitigated Negative Declaration No. 13-009 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of 30 days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Mitigated Negative Declaration.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures address potential impacts related to air quality emissions, protected bird species and nesting habitat and cultural resources. The project site is within the Downtown Specific Plan (DTSP) area for which Program EIR No. 08-001 was adopted in 2010. As such, applicable DTSP Program EIR mitigation measures addressing impacts during demolition are incorporated into the project. Mitigation measures were generally designed to ensure that air quality emissions, impacts to protected bird species and nesting habitat and/or discovery of cultural resources during demolition would be minimized through compliance with applicable laws and regulations.

3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the attached mitigation measures, will have a significant effect on the environment. The proposed project involves the demolition of site improvements, including eight multi-family apartment units within four buildings and an accessory structure. Redevelopment of the site is not proposed as part of the demolition request. The Historic Resources Assessment for the subject property concluded that because the property has been significantly altered, it does not appear to be a notable example of bungalow court architecture or design. In addition, the property does not possess sufficient integrity, architectural merit or historical associations to evoke the residential and architectural history of Huntington Beach. Also, based on research of past owners and occupants, the property is not associated with significant events or the lives of significant persons in the past. Therefore, the property does not meet necessary criteria for listing as a historic resource in the National Register of Historic Places, or criteria for inclusion in a State or local listing of historic significance. Finally, all potential impacts resulting from the demolition of the site can be adequately mitigated.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. During construction, demolition and remodel activities, the following Best Available Control Measure shall be implemented where feasible:
 - Dust Control
 - Apply soil stabilizers to inactive areas.
 - Prepare a high wind dust control plan and implement plan elements and terminate soil disturbance when winds exceed 25 mph.
 - Stabilize previously disturbed areas if subsequent construction is delayed.
 - Water exposed surfaces and haul roads 3 times per day.
 - Cover all stock piles with tarps.
 - Replace ground cover in disturbed areas as soon as feasible.
 - Reduce speeds on unpaved roads to less than 15 mph.
 - Exhaust Emissions
 - Require 90-day low-NOR_xR tune-ups for off-road equipment.
 - Limit allowable idling to 5 minutes for trucks and heavy equipment.
 - Utilize equipment whose engines are equipped with diesel oxidation catalysts if available.
 - Utilize diesel particulate filter on heavy equipment where feasible.
 - Utilize low emission mobile construction equipment.
 - Utilize existing power sources when available, minimizing the use of higher polluting gas or diesel generators.
 - Configure construction parking to minimize traffic interference.
 - Plan construction to minimize lane closures on existing streets.
 - A full listing of construction emission controls is included in the Air Quality Assessment for Huntington Beach Downtown Specific Plan dated April 13, 2009 (Appendix B).
 - Painting and Coatings
 - Use low VOC coatings and high pressure-low volume sprayers.
- (DTSP Program EIR No. 08-001 MM 4.2-1)**

2. The City shall require by contract specifications that all diesel-powered equipment used would be retrofitted with after-treatment products (e.g., engine catalysts and other technologies available at the time construction commences) to the extent that they are readily available and cost effective when construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach. **(DTSP Program EIR No. 08-001 MM 4.2-2)**
3. The City shall require by contract specifications that alternative fuel construction equipment (e.g., compressed natural gas, liquid petroleum gas, and unleaded gasoline) would be utilized to the extent feasible at the time construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach. **(DTSP Program EIR No. 08-001 MM 4.2-3)**
4. The City shall require developers within the project site to establish a construction management plan with Rainbow Disposal to divert a target of 50% of construction, demolition, and site clearing waste. **(DTSP Program EIR No. 08-001 MM 4.2-5)**
5. The City shall require by contract specifications that construction equipment engines will be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach. **(DTSP Program EIR No. 08-001 MM 4.6-6)**
6. The City shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds shall be turned off when not in use for more than five minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach. **(DTSP Program EIR No. 08-001 MM 4.2-7)**
7. Prior to the onset of ground disturbing activities, the project developer shall implement the following mitigation measure which entails nesting surveys and avoidance measures for sensitive nesting and MBTA species, and appropriate agency consultation.
 - Nesting habitat for protected or sensitive species:
 1. Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible.
 2. Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with California Department of Fish and Wildlife (CDFW) protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per

established thresholds), a 250-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFW and/or U.S. Fish and Wildlife Service.

3. Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist. **(DTSP Program EIR No. 08-001 MM 4.14-1)**
8. During construction activities, if archaeological and/or paleontological resources are encountered, the contractor shall be responsible for immediate notification and securing of the site area immediately. A qualified archaeologist and/or paleontologist approved by the City of Huntington Beach Planning Director shall be retained to establish procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of cultural resource finds. If major archaeological and/or paleontological resources are discovered that require long-term halting or redirecting of grading, a report shall be prepared identifying such findings to the City and the County of Orange. Discovered cultural resources shall be offered to the County of Orange or its designee on a first-refusal basis. **(DTSP Program EIR No. 08-001 MM 4.3-2)**
9. During construction activities, if human remains are discovered, work shall be halted and the contractor shall contact the City's designated representative on the project and the Orange County Coroner until a determination can be made as to the likelihood of additional human remains in the area. If the remains are thought to be Native American, the coroner shall notify the Native American Heritage Commission who will ensure that proper treatment and disposition of the remains occurs. **(DTSP Program EIR No. 08-001 MM 4.3.-3)**

ITEM 4: ENTITLEMENT PLAN AMENDMENT NO. 13-006 (LIQUOR WAREHOUSE ALCOHOL TASTING)

APPLICANT:	Jerry Tsukamoto, Liquor Warehouse, 9092 Adams Avenue, Huntington Beach, CA 92646
PROPERTY OWNER:	Lester Smull, 17631 Fitch, Irvine, CA 92614
REQUEST:	To amend Condition of Approval No. 2d of Conditional Use Permit No. 12-024 to allow a Department of Alcoholic Beverage Control (ABC) type 42 License (On sale Beer & Wine – Public Premises) in conjunction with an existing Type 21 License (Off Sale General) and Type 86 License (Instructional Tasting) for an approximately 612 sq. ft. dedicated alcohol tasting area (beer and wine only) within an existing retail grocery store. All other conditions of approval remain the same..
LOCATION:	9092 Adam Avenue, 92646 (southwest corner at Magnolia Street)
PROJECT PLANNER:	Ethan Edwards

Ethan Edwards, 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 inquired of staff if the request would allow drinking on the premises as well as tasting. Mr. Edwards explained that the request is a modification of an earlier entitlement. The

prior approval was to allow outside vendors to serve the alcohol samples, this request would allow employees of the establishment to serve samples as well.

THE PUBLIC HEARING WAS OPENED.

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

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.

ENTITLEMENT PLAN AMENDMENT NO. 13-006 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 retail store.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 13-006:

1. Entitlement Plan Amendment No. 13-006 to amend Condition of Approval No. 2d of Conditional Use Permit No. 12-024 to allow a Department of Alcoholic Beverage Control (ABC) Type 42 License (On sale Beer & Wine – Public Premises) in conjunction with an existing Type 21 License (Off Sale General) and Type 86 License (Instructional Tasting) for an approximately 612 sq. ft. on-site beer and wine tasting area within an existing 12,215 sq. ft. liquor retail store 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 consumption is not anticipated to generate noise, traffic, parking or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. Residential uses to the east and south of the subject site are buffered from the existing building by 6 ft. high perimeter blockwall, a 26 ft. wide drive aisle along with two rows of parking to the south, and a 26 ft. wide drive aisle along with one row of parking to the east. The storefront and entrance are oriented toward Adams Avenue, away from nearby residences. The consumption of alcoholic beverages will be for sampling purposes and shall be contained within a delineated tasting area inside the liquor retail store.
2. The entitlement plan amendment will be compatible with surrounding uses because the onsite consumption of alcoholic beverages will be ancillary to an existing retail commercial use (liquor store) and will occur entirely within the interior of a commercial building.
3. The proposed Entitlement Plan Amendment No. 13-006 will comply with the provisions of the base district, 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 liquor store conforms to applicable site development requirements including minimum setbacks, minimum landscaping, and minimum onsite parking. The onsite consumption of alcoholic beverages is permitted within the CG (Commercial General) zoning district with the approval of a conditional use permit.

4. The granting of the entitlement plan amendment 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 and wine tasting will be ancillary and incidental to an existing approved retail establishment. 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 and wine tasting is not anticipated to result in negative impacts on adjacent properties.

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 13-006:

1. The use shall comply with the following:
 - a. All conditions approved by Conditional Use Permit No. 12-024 shall remain in effect with the exception of Condition of Approval No. 2d.
 - b. The onsite service and consumption of alcoholic beverages shall be limited to the conditions contained in the Alcoholic Beverage Control Board (ABC) Department of Alcoholic Beverage Control (ABC) Type 42 License (On sale Beer & Wine – Public Premises) in conjunction with an existing Type 21 License (Off Sale General) and Type 86 License (Instructional Tasting). **(PD)**
 - c. Prior to the service of alcoholic beverages, a copy of the ABC licenses, 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.
2. EPA No. 13-006 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 2:01 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 4, 2013, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:jd