

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

WEDNESDAY, OCTOBER 14, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Andrew Gonzales, Rami Talleh, Kimberly De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2009-012 (NEWLAND CARWASH)

APPLICANT: Thomas Hwang, 616 Imperial, LLC
PROPERTY OWNER: 616 Imperial, LLC, 1050 E. Anaheim Street, Long Beach, CA 90813
REQUEST: To permit the construction of an approximately 2,200 sq. ft. express service carwash building and associated site improvements, on a 22,363 sq. ft. vacant lot.
LOCATION: 8471 Warner Avenue, 92647 (northwest corner of Warner Avenue and Newland Street)
PROJECT PLANNER: Ethan Edwards

Andrew Gonzales, Associate Planner, stated that the applicant had requested a continuation to the November 18, 2009, Zoning Administrator meeting and that staff agreed with the request. He noted that the applicant had submitted a request for a 90 day extension to the application to provide additional time to address issues raised at the September 23, 2009 Zoning Administrator meeting.

AS THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST, THE PUBLIC HEARING WAS NOT OPENED.

Mr. Ramos stated that he would continue the item as requested by the applicant.

CONDITIONAL USE PERMIT NO. 2009-012 WAS CONTINUED TO THE NOVEMBER 18, 2009 MEETING.

ITEM 2: CONDITIONAL USE PERMIT NO. 2009-016 (SEBASTIANI'S RESTAURANT EXPANSION)

APPLICANT: Pablo Benavente
PROPERTY OWNER: Sparks Enterprises LP, c/o Kenski Properties, Inc., P.O. Box 13049, Long Beach, CA 90803
REQUEST: To permit the expansion of an existing 1,050 sq. ft. restaurant with alcohol sales and live entertainment into an adjacent 1,070 sq. ft. suite.
LOCATION: 6074 Warner Avenue, 92647 (southeast corner of Warner Avenue and Springdale Street)
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 one public comment in opposition to the request, citing concerns with potential loud music and public nuisances. Ms. Nguyen noted that the proposed Friday and Saturday evening closing hours have been expanded to 11pm.

Mr. Ramos asked if the change to the proposed conditions of approval were limited to the modification in weekend closing hours. Ms. Nguyen confirmed the single change. She noted that staff had recently received the conceptual approval of the entertainment permit from the Police Department which included approval for the expanded hours.

Mr. Ramos noted that the floor plan did not include a stage. Ms. Nguyen stated that the proposed entertainment would be limited to a single musician and that a stage would not be necessary because the performer will not have a fixed location within the unit.

Mr. Ramos asked staff why the operating hours did not include lunchtime operating hours. Pablo Benavente, applicant, stated the restaurant was not geared towards lunchtime operation.

THE PUBLIC HEARING WAS OPENED.

Mr. Benavente stated that he had no concerns with the suggested conditions of approval.

Linda Kenski, representative for the property owner, stated that she was in support of the request.

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 with modified hours of operation and a minor modification to Finding No. 4.

CONDITIONAL USE PERMIT NO. 2009-016 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 alteration to a commercial suite within an existing shopping center.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-016:

1. Conditional Use Permit No. 2009-016 for the expansion of an existing 1,050 sq. ft. restaurant with alcohol sales and live entertainment into an adjacent 1,070 sq. ft. suite 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 expansion will consist of a lounge for wine tastings and food service. The live entertainment will be conducted entirely indoors and will consist of live musical performances to be held on Friday and Saturday evenings. The restaurant, which faces Springdale Street, is orientated away and setback approximately 40 ft. from the closest residential properties. The proposed expansion will not generate additional noise, traffic, or other impacts detrimental to surrounding properties. With incorporation of the conditions of approval, the entertainment use is not anticipated to create adverse noise impacts to the surrounding businesses and residences. The live entertainment will be limited to evening business hours. The site provides the necessary parking to accommodate the proposed expansion.
2. The conditional use permit will be compatible with surrounding uses because the project involves the expansion of an existing restaurant into an adjacent suite within a multi-tenant commercial shopping center with similar commercial businesses as retail, personal service, and restaurant uses. Live entertainment within the restaurant will occur indoors approximately 40 ft. away from nearby residences to the east. Residential properties are buffered from the subject building by an existing 20 ft. wide driveway, a 6 ft. high block wall, and a 20 ft. wide alley. The building is orientated toward Springdale Street with the business frontage facing the parking lot area. The limited hours of the live entertainment use and the building orientation ensure no significant impacts to the residential land uses to the east.
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 restaurant expansion with live entertainment complies with the minimum required on-site parking and maximum floor area ratio. Live entertainment is permitted within 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 on the subject property. In addition, it is consistent with the following objectives 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 residential, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

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 requested Conditional Use Permit will accommodate existing development by allowing the expansion of an existing restaurant with alcohol sales and live entertainment. The proposed restaurant expansion and live entertainment will market its services to local and regional residents thereby expanding the range of service-based commercial opportunities in the City.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-016:

1. The site plan and floor plans received and dated September 15, 2009 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to between 5:00 pm and 10:00 pm, Tuesday through Thursday and between 5:00 pm and 11:00 pm, Friday and Saturday.
 - b. Food from the regular full menu shall be made available up to one hour prior to the scheduled closing time. **(PD)**
 - c. Any modifications to the approved floor plan shall be reviewed and approved by the Huntington Beach Police Department. **(PD)**
 - d. Prior to commencement of live entertainment activities, a copy of an approved Entertainment Permit shall be submitted to the Planning Department. The permit shall be approved by the Police Department and issued by the Business License Department. All conditions of the Entertainment Permit shall be observed.
 - e. Live entertainment shall be limited to non-amplified music which shall remain within the interior of the establishment at all times. Noise shall not exceed the thresholds as established by the City Noise Ordinance (Chapter 8.40 Noise Control) which shall be measured at a distance of 50 ft. from the business. The hours of live entertainment shall be limited to between 5:00 pm to closing daily. **(PD)**

- f. 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. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - g. Alcoholic beverages shall be served in a distinctive container different from non-alcoholic beverages. (PD)
 - h. All areas of alcoholic beverage sales, service, and consumption shall be sufficiently illuminated to permit the identification of patrons. (PD)
 - i. Only the uses/activities described in the project narrative received September 15, 2009 shall be permitted.
3. Any increases in the seating capacity for the restaurant/lounge area shall require the applicant to demonstrate compliance with the parking requirement for the expansion based on divergent hours in terms daytime versus nighttime hours or weekday versus weekend hours. The joint use parking approval shall be subject to a covenant or similar mechanism approved by the Director of Planning.
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/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. 2009-014 (HARBOR TIRE PROS)

APPLICANT: Randall Jepson, Peter Jepson Partnership, Inc.
PROPERTY OWNER: Rich Lindsey, 16961 Bolsa Chica Road, Huntington Beach, CA 92649
REQUEST: To permit (a) the construction of a new 4,471 sq. ft. commercial building and associated site improvements, and (b) the establishment of a tire and wheel service business.
LOCATION: 17032 Bolsa Chica Street, 92649 (south east corner of Bolsa Chica Street and Warner Avenue)
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 noted that a noise study had been completed which determined that, without mitigation measures, the use exceeds the allowable decibel range by five decibels. He indicated that the proposed project does include mitigation measures to offset the noise impact.

Mr. Gonzales stated that staff was recommending an additional sentence to Condition No. 1b stating: "An elevation detail shall be provided depicting the enhanced bollard design."

Mr. Ramos asked if there was a dedication requirement. Mr. Gonzales stated that there is a dedication requirement and that the applicant is aware of it. Mr. Ramos asked if it was included in the project plans. Mr. Gonzales indicated that it was. Mr. Ramos asked if the landscaping would be maintained and Mr. Gonzales confirmed this.

THE PUBLIC HEARING WAS OPENED.

Randall Jepson, applicant, stated that he appreciated staff's effort and had no concerns with the conditions of approval. He presented a color rendering of the proposed exterior and the conceptual landscape plan. He stated that the landscaping would enhance the site.

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

Mr. Ramos asked staff for the specific building material for the block wall. Mr. Gonzales indicated that the mitigation measures require either an option of stucco on wood frame or masonry blocks to construct the perimeter wall. Mr. Jepson stated that he intended to use masonry precision block with the incorporation of landscape material. Mr. Ramos stated that this would be acceptable with the inclusion of a decorative cap.

Mr. Ramos stated that, based on the information provided, he would approve the project as recommended by staff with minor modifications to the Findings and Conditions of Approval.

CONDITIONAL USE PERMIT NO. 2009-014 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 15303 of the CEQA Guidelines, because the proposed development consists of construction of a new commercial building with less than 10,000 sq. ft. of floor area not involving significant amounts of hazardous materials on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-014:

1. Conditional Use Permit No. 2009-014 for (a) the construction of a new 4,471 sq. ft. commercial building and associated site improvements, and (b) the establishment of a tire and wheel service 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 project will not significantly impact adjacent residences because the building will be sited at the northwest corner of the property and setback more than 45 ft. from the nearest adjacent residential property. The service bays associated with the wheel service business will be oriented eastward, away from the neighboring homes, with the primary business entrance adjacent to Warner Avenue. According to an acoustical study prepared by Gordon Brickmen and Associates (April 28, 2009), a sound barrier (e.g., block wall) with a minimum height of 8 ft. along the east property line and 7 ft. along the south property line is recommended to attenuate any potential noise impacts onto adjacent properties. Condition No. 4 incorporates the study's recommendation by requiring that an 8 ft. block wall be constructed along the south and east property lines. The development, as conditioned, will not have any significant operational impacts or exceed the noise thresholds as established by the City Noise Ordinance (Chapter 8.40 Noise Control). Furthermore, the site will be sufficiently parked and will have minimal impacts on adjacent properties.
2. The proposed commercial building, as conditioned, will be compatible with surrounding uses and developments. The subject project will replace a former commercial building with a new single-story building to be utilized by a wheel service business. The building is compatible with the size and scale of developments in the surrounding area by incorporating façade recesses, architectural eyebrows, and contrasting materials on the building elevations to minimize the structure's mass/bulk and create visual interest along the street frontage. The placement of the structure will be at the northwest corner of the subject site thereby providing an adequate buffer for nearby residences. An 8 ft. block wall and a 6 ft. 2 in. wide landscape planter will further screen the building and use for nearby dwellings.
3. The proposed development 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. Vehicle equipment repair uses are permitted within the CG (Commercial General) zoning district with the approval of a conditional use permit. The development

complies with the minimum required setbacks and on-site parking and complies with the maximum allowed floor area ratio and building height.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the following goals 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 resident.

Objective - LU 10.1.4: Require that commercial buildings and site be designed to achieve a high level of architectural and site layout quality.

Objective - LU 10.1.6: Require the commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

Objective - LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including the consideration of architectural treatment of buildings to minimize visual bulk and mass, using techniques such as modulation of building volumes and articulation of all elevations

The project is a redevelopment of a site with a new single-story commercial building to be utilized as a wheel service business. The building's design incorporates façade recesses, architectural eyebrows, and contrasting materials on the building elevations to minimize the structure's mass/bulk and create visual interest along the street frontage. The project will not significantly impact adjoining properties including nearby residences. The entrance of the building and service bays will be orientated away from nearby homes and buffered by an approximately 45 ft. building separation consisting of a drive aisle, parking stalls, landscaped planter and a 8 ft. high block wall. The block wall will assist in attenuating noise generated from the use. Lighting will be designed to be directed onto the project site without any spillage onto adjacent properties.

B. Urban Design Element

Objective – UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

Policy – 1.2.1: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces as described by the Land Use Element by using decorative paving materials.

The design of the building will incorporate distinctive architecture which includes variations to the roof height, insets and offsets in the building façade to create enhanced visual relief and break up of building mass, variations in exterior building treatment, and an enhanced building entrance. The project will incorporate a

connection from the public sidewalk on Warner Avenue by providing clear identifiable access to the main entrance of the building.

C. Economic Development Element

Policies - 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 request will accommodate the redevelopment of an existing site with a use that will serve the needs of local residents and visitors to the City by providing additional commercial serving opportunities.

D. Noise Element

Policy N – 1.4.3: Require that the parking areas of all commercial and industrial land uses, which abut residential areas, to be buffered and shielded by walls, fences, or adequate landscaping.

A noise study provided for the project identifies that noise levels will not cumulatively contribute to an increase in levels above established thresholds. Noise will be attenuated through onsite improvements which include a perimeter block wall

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-014:

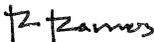
1. The site plan, floor plans, and elevations received and dated July 17, 2009, shall be the conceptually approved design with the following modifications:
 - a. Modify the site plan (Sheet No. 1.1) to depict the trash enclosure with a minimum 10 ft. setback from the southerly property line. In addition, an elevation detail shall be provided depicting the enclosure with a roof shelter and an architecturally enhanced design compatible with the design of the building.
 - b. The bollards located adjacent to the building's east elevation shall be decorative and compatible with the design of the building. An elevation detail shall be provided depicting the enhanced bollard design.
 - c. A 10 ft. wide decorative paving band shall be provided at the Bolsa Chica Street and Warner Avenue driveway entrances.
 - d. The width of the landscaped planter along the easterly property line shall be increased an additional 6 in.
2. Prior to submittal for building permits, a Lot Line Adjustment (LLA) shall be submitted and approved by the Department's of Planning and Public Works to consolidate assessor parcel map numbers 163-121-01 and 163-121-02 as one lot.
3. Prior to issuance of building permits, a copy of the recorded LLA shall be provided to the Department of Planning for inclusion in the entitlement file.

4. The structure cannot be occupied, the final building permit(s) cannot be approved, and a Certificate of Occupancy cannot be issued until an 8 ft. high block wall is constructed along the south and east property lines. The block walls shall measure 107 linear feet along the south property line and a 102 along the east property line. The walls shall be constructed of precision block and topped with a decorative cap.
5. Only the uses described in the narrative dated October 8, 2008, shall be permitted including the following:
 - a. Hours of operation shall be limited to between 8AM and 5PM, Monday through Saturday.
 - b. All repair/service work shall be conducted entirely within the building.
 - c. Paging and music system speakers located or being activated outside of the building shall be prohibited.
 - d. Truck deliveries shall be limited to between the hours of 7AM and 8PM, Monday through Saturday.
 - e. Parking lot lights shall be automatically dimmed to minimal security level lighting one hour after closing
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.

THE MEETING WAS ADJOURNED AT 1:55 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, OCTOBER 21, 2009, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc