

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

WEDNESDAY, APRIL 19, 2017 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos
STAFF MEMBER: Kimo Burden, Joanna Cortez, Judy Graham
MINUTES: **NONE**
ORAL COMMUNICATION: **NONE**

ITEM 1: TEMPORARY USE PERMIT NO. 16-003 (OFF-SITE DEALER STORAGE – CONTINUED FROM THE APRIL 5, 2017, MEETING)

APPLICANT/
PROPERTY OWNER: Max Daffron, Office of Business Development, 2000 Main St., Huntington Beach, CA 92648
REQUEST: To permit off-site storage of vehicles for local car dealers within the former Navy Railroad Right-of-Way (ROW), 3,808 linear feet between Springdale St. and Rancho Rd., for a period of five years.
LOCATION: 14515 Astronautics Ln., 92647 (City ROW–Former Navy Railroad ROW, between Springdale St. and Rancho Rd.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, Assistant Planner, stated that the request was withdrawn at the applicant's request.

ITEM 2: CONDITIONAL USE PERMIT NO. 16-033 / COASTAL DEVELOPMENT PERMIT NO. 16-017 (TEMPORARY PARKING LOT)

APPLICANT/
PROPERTY OWNER: Max Daffron, Office of Business Development, 2000 Main St., Huntington Beach, CA 92648
REQUEST: To permit the temporary installment of 44 vehicle stalls with pay stations on a 0.645 acre lot, for a period of five years.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15304, Class 4, California Environmental Quality Act.
LOCATION: 131 Orange Avenue, 92648 (southwest of the intersection of 1st Street and Orange Avenue)
CITY CONTACT: Kimo Burden

Kimo Burden, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Mr. Burden stated that the applicant has requested a continuance to the May 17, 2017 meeting.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS NOT OPENED.

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

CONDITIONAL USE PERMIT NO. 16-033 / COASTAL DEVELOPMENT PERMIT NO. 16-017 WERE CONTINUED TO THE MAY 17, 2017, MEETING AT THE APPLICANT'S REQUEST

ITEM 3: CONDITIONAL USE PERMIT 17-002 (TREE BRANCH CIDER HOUSE)

APPLICANT: Pamela Simmons, 893 Peace Place, Costa Mesa, CA 92626
PROPERTY OWNER: Michelle Nasatir, Warner West, Ltd., Pacific West Asst. Mgmt., PO BOX 19068, Irvine, CA 92623
REQUEST: To permit the on-site sale, service, and consumption of beer, wine, and hard cider (ABC Type 42 License) within an existing 1,400 sq. ft. commercial space and proposed 280 sq. ft. outdoor patio area.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
LOCATION: 6953 Warner Avenue, 92647 (northwest corner of Warner Ave. and Goldenwest St.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, Assistant 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.

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

Donna Ryan, resident, spoke in opposition of the proposed project. She cited concerns with increased noise, traffic, and the close proximity of the project to the high school.

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 17-002 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 commercial building involving no expansion in the overall floor area of the structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-002:

1. Conditional Use Permit No. 17-002 to permit the on-site sale, service, and consumption of beer, wine, and hard cider (ABC Type 42 License) within an existing 1,400 sq. ft. commercial space and proposed 280 sq. ft. outdoor patio area 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 sales, service and consumption of beer, wine, and hard cider, as conditioned, will not generate noise, traffic, demand for parking or other impacts above that which currently exists or be inconsistent with the subject property's zoning. The site is located within an existing commercial shopping center and surrounded by similar 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 flood control channel and are located approximately 220 ft. away from the rear employee entrance of the commercial suite. The entrance and outdoor patio area are oriented toward Warner Avenue, away from nearby residences. The consumption of alcoholic beverages will occur entirely within the commercial suite and the 280 sq. ft. delineated outdoor patio area.
2. The conditional use permit to permit the on-site sale, service, and consumption of beer, wine, and hard cider (ABC Type 42 License) within an existing 1,400 sq. ft. commercial space and proposed 280 sq. ft. outdoor patio area will be compatible with surrounding uses because it is located within an existing commercial shopping center. The proposed use is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible with adjacent properties. The use is required to comply with conditions of approval pertaining to alcohol service and hours of operation to assure that any potential impacts to the surrounding properties are minimized.
3. The proposed conditional use permit to permit the on-site sale, service, and consumption of beer, wine, and hard cider (ABC Type 42 License) within an existing 1,400 sq. ft. commercial space and proposed 280 sq. ft. outdoor patio area 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). The proposed eating and drinking establishment is permitted subject to Conditional Use Permit within the CG (Commercial General) zoning district pursuant to Section 211.04 of the HBZSO. The proposed establishment with outdoor dining area with beer, wine, and hard cider sales will be located within an existing commercial center, which conforms to applicable site development standards in terms of minimum parking, minimum yard setbacks, minimum landscaping, and maximum floor area ratio.
4. The granting of Conditional Use Permit No. 17-002 to permit the on-site sale, service, and consumption of beer, wine, and hard cider (ABC Type 42 License) within an existing 1,400 sq. ft. commercial space and proposed 280 sq. ft. outdoor patio area 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 establishment will market its services to local residents and residents in the surrounding region, thereby expanding the service-based commercial opportunities in the City and contributing to the diversity of retail and service uses that are oriented to local and regional residents. Based upon the operational conditions imposed, the establishment is not anticipated to result in negative impacts on adjacent properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-002:

1. The site plan, floor plans, and elevations received and dated January 17, 2017 shall be the conceptually approved design, with the following modifications:
 - a. The landscape planter located in front of the suite shall be removed to allow for minimum ADA accessibility.
 - b. Demonstrate the commercial center has six percent of the total net site area in landscaping. **(HBZSO 232.12)**
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to the following:
 - i. Sunday – Thursday: 12:00 PM – 10:00 PM
 - ii. Friday and Saturday: 12:00 PM – 12:00 AM
 - iii. Monday – Sunday (outdoor patio): 12:00 PM – 10:00 PM
 - b. Prior to sales, service or consumption of alcoholic beverages the establishment shall obtain an ABC license authorizing On Sale alcohol sales. The establishment shall be limited to either Type 41 (On Sales Beer & Wine Eating Place) or Type 42 (On sale Beer & Wine Public Premise) ABC License. **(PD)**

- c. No consumption of alcoholic beverages shall be permitted in the outdoor patio areas between the hours of 10:00 PM and 12:00 PM daily. **(PD)**
- d. Live Entertainment shall not be permitted unless a Conditional Use Permit (CUP) for this specific use is reviewed and approved and a valid Entertainment Permit issued by the Huntington Beach the Police Department. **(PD)**
- e. All alcoholic beverages shall remain within the interior of the business and within the confines of the fenced in patio area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). **(PD)**
- f. The front patio shall have a physical barrier 42 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
- g. Signs shall be posted in a conspicuous space at the entrance/exit of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- h. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- i. No new customers shall be permitted after 30 minutes before closing. **(PD)**
- j. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- k. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- l. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
- m. An employee of the business must monitor all areas where alcohol is served. **(PD)**
- n. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- o. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. **(PD)**
- p. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
- q. All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business. **(PD)**
- r. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of

video must 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)**

- s. All owners, employees, representatives, and agents must 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)**
 - t. All employees engaged in the sale or service of alcohol shall complete mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer. Records of the training shall be maintained on-site for review. **(PD)**
3. Conditional Use Permit No. 17-002 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 Community Development Department a minimum 30 days prior to the expiration date.
 4. 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 Community Development Department 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.
 5. 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 1:47 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MAY 3, 2017, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:JC:jg