

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

**WEDNESDAY, AUGUST 6, 2014 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Joanna Cortez, Jennifer Villasenor, Ethan Edwards, Judy Demers (recording secretary)

**MINUTES:** **NONE**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: CONDITIONAL USE PERMIT NO. 14-014 (PERRY'S PIZZA BEER AND WINE):**

**APPLICANT:** Jess Bingaman, 21411 Brookhurst Street, Huntington Beach, CA 92646  
**PROPERTY OWNER:** Ayers Brookhurst Plaza LLC, Jim Nestor, 355 Bristol Street, Suite A, Costa Mesa, CA 92626  
**REQUEST:** To permit an approximately 1,500 square foot eating and drinking establishment with 157 square feet of outdoor dining in conjunction with the sale and consumption of alcoholic beverages (beer and wine) and a 20 space parking reduction based on a parking survey and shared parking analysis.  
**LOCATION:** 21411 Brookhurst Street, 92646 (northwest corner Brookhurst St. and Hamilton Ave.)  
**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. Ms. Cortez noted that staff had received two phone calls citing concerns with potential negative impacts to parking, increase in noise, and negative impact to the pedestrian walkway.

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

**THE PUBLIC HEARING WAS OPENED.**

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

Mildred Urling, resident, cited concerns with the potential negative impacts to increase in noise if live entertainment was permitted. She also noted concerns with the hours of operation.

Mr. Ramos stated that the proposed project did not request a live entertainment permit. He noted that the outdoor dining area would be facing Brookhurst Street. Mr. Ramos inquired with the applicant if limiting the outdoor dining hours to 10:00p.m.would be acceptable. Mr. Bingaman stated that 10:00 p.m. was workable.

David Matheson, resident, spoke in support of the proposed project.

**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 a modification limiting the outdoor dining hours of operation to 10:00 p.m.

**CONDITIONAL USE PERMIT NO. 14-014 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 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. 14-014:**

1. Conditional Use Permit No. 14-014 for the establishment of the 1,500 square foot eating and drinking establishment with 157 square feet of outdoor dining in conjunction with the sale and consumption of alcoholic beverages (beer and wine) and a 20-space parking reduction will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood. The sale of alcohol, which shall be limited within the interior of the restaurant, is not anticipated to generate additional noise, traffic, or other impacts detrimental to surrounding properties. Additionally, the sale of alcohol is consistent with the subject property's commercial zoning. The entrance of the restaurant and outdoor dining area are oriented toward the center's parking lot and Brookhurst Street, away from the nearest adjacent residential properties located to the west. These residential uses are adequately buffered from the restaurant by a 250 foot separation to the west. In addition, the request for reduced parking will not be detrimental to the value of the property and improvements in the neighborhood and was based on a parking demand analysis and a transportation demand management plan prepared by K2 Traffic Engineering, Inc. and Jende "Kay" Hsu, T.E., a state-registered traffic engineer (May 2014). The parking demand analysis compares the City's off-street parking requirements for the project and a field survey of parking usage during two weekdays and two weekend days between 11 am and 8 pm. The study concluded that the peak parking demand was 185 parking spaces for the center, which included 162 spaces for existing tenants, 8 spaces reserved for a vacant retail unit, and 15 spaces required by the Huntington Beach Zoning and Subdivision Ordinance for the proposed restaurant. The amount is significantly less than the 240 parking spaces currently available at the commercial center. As a result, the parking demand analysis supports a 20-space reduction and concludes that adequate on-site parking can be accommodated for the proposed eating and drinking establishment and all existing uses within the center.

2. The proposed 1,500 square foot eating and drinking establishment with 157 square feet of outdoor dining in conjunction with the sale and consumption of alcoholic beverages (beer and wine) and a 20-space parking reduction will be compatible with surrounding uses because the onsite sale and consumption of alcohol will be ancillary to a restaurant use and occur entirely within the building within an established commercial center containing similar and complementary uses. The 157 square foot outdoor dining area represents a minor expansion and will be compatible to the restaurant use. The proposed eating and drinking establishment will not require additional parking based on a parking demand analysis which concluded that sufficient on-site parking can be accommodated for the proposed use and all existing uses within the commercial center.
3. The proposed 1,500 square foot eating and drinking establishment with 157 square feet of outdoor dining in conjunction with the sale and consumption of alcoholic beverages (beer and wine) and a 20-space parking reduction 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), except minimum parking requirements, and any specific condition required for the use in the district in which it is located. The proposed eating and drinking establishment is permitted within the CG (Commercial General) zoning district pursuant to Section 211.04 of the HBZSO. The restaurant and outdoor dining area with beer and wine sales will be located within an existing commercial center, which conforms to applicable site development standards in terms of minimum yard setbacks, minimum landscaping, and maximum floor area ratio with exception of the request for reduced parking. The request for reduced parking was submitted in conjunction with a parking demand analysis and a Transportation Demand Management Plan. The Plan incorporates transportation demand management measures such as bicycle racks, motorcycle parking spaces, and transit information.
4. The granting of the proposed eating and drinking establishment 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 policy and objective of the General Plan:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

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 eating and drinking establishment will accommodate existing development by allowing the establishment of a restaurant and outdoor dining area with beer and wine sales. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses.

Additionally, the granting of reduced parking will not adversely affect the General Plan as it is consistent with the following goals, objectives, and policies of the General Plan:

C. Circulation Element

Goal – CE 5: Maximize use of transportation demand management strategies to reduce total vehicle miles traveled and improve regional air quality.

Policy – CE 5.6: Continue to enforce the City's Transportation Demand Management ordinance.

Goal – CE 6: Ensure that the parking demands of non-residential uses do not adversely impact the City's residential neighborhoods, that the City's parking policies support reduced reliance on personal auto use and that the parking supply is adequate to meet City economic development objectives.

Policy – CE 6.1: Require that development projects supply parking that supports anticipated demands.

The parking demand analysis supports a 20-space reduction and concludes that adequate on-site parking can be accommodated for the proposed eating and drinking establishment and all existing uses within the center. A Transportation Demand Management Plan was included as part of the request and incorporates measures such as bicycle racks, motorcycle parking spaces, and transit information to reduce vehicle trips.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-014:**

1. The site plan, floor plans, and elevations received and dated May 30, 2014 shall be the conceptually approved design with the following modifications on Page A1:
  - a. Indicate the square footage of the proposed restaurant, with a breakdown of the interior and outdoor dining area, for consistency with the dimensions and scale provided on the plans.
  - b. Depict 240 existing parking spaces as indicated by the parking demand analysis.
2. The use shall comply with the following:
  - a. The hours of operation shall be between 8:00 AM and 11:00 PM Monday through Sunday.
  - b. The hours of operation for the outdoor dining area shall be between 8:00 AM and 10:00 PM Monday through Sunday.
  - c. Prior to sales, service or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing alcohol use in the restaurant. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License. **(PD)**
  - d. All alcoholic beverages shall remain within the interior of the restaurant per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
  - e. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**

- f. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
  - g. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time. **(PD)**
  - h. There shall be no entertainment allowed at the establishment without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment is not allowed on the patio. **(PD)**
  - i. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**
  - j. 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)**
  - k. 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)**
3. CUP No. 14-014 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 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 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.
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.

**ITEM 2: NEGATIVE DECLARATION NO. 14-003 (MAIN STREET/ ELLIS INTERSECTION IMPROVEMENT PROJECT):**

APPLICANT/  
PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

REQUEST: To analyze the potential environmental impacts associated with a proposal to modify and reconstruct the median island on Main Street and remove the traffic signal at the intersection of Main Street and Ellis Avenue to prohibit left turns on Main Street to and from Ellis Avenue. Construction of the project would take two to four weeks. Construction activities would include extension/reconstruction of the median. The new medians would be between two to four feet wide (to match the existing) with no landscaping, and the estimated lengths would be approximately 30 to 35 feet wide for both segments. A striped break in the median is proposed to maintain Ellis Avenue as an emergency access route. The break would be approximately 40 feet wide or of a sufficient width to accommodate the needs of the Fire Department. Other project improvements include traffic signal and related equipment removal, repair and/or replacement of damaged sidewalk, accessibility upgrades to curb ramps at the corners of the intersection and re-striping of the street lane configuration on Main Street and Ellis Avenue. The project would not increase capacity of the streets. The project would not remove access to any surrounding properties. However, the way to adjacent properties (an existing Denny's restaurant and an existing gas station) that is currently from Ellis Avenue and Main Street would be changed.

LOCATION: Main Street and Ellis Avenue intersection, Huntington Beach, CA 92647

CITY CONTACT: Jennifer Villasenor

Jennifer Villasenor, 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 conditions for approval as presented in the executive summary. Ms. Villasenor noted that a comment letter was received from Cal-Trans noting that should any work be done in their right-of-way, permits would be required.

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

**THE PUBLIC HEARING WAS OPENED.**

Darrin Sam, 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.

**NEGATIVE DECLARATION NO. 14-003 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS 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 APPROVAL – NEGATIVE DECLARATION 14-003:**

1. Negative Declaration No. 14-003 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 20 days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Negative Declaration. The City received one comment letter from Caltrans. The comment letter reiterated requirements for work within the Caltrans right-of-way and did not indicate any issues with respect to the adequacy of the environmental analysis.
2. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project will have a significant effect on the environment. The project involves a proposal to modify and reconstruct the median island on Main Street and remove the traffic signal at the intersection of Main Street and Ellis Avenue to prohibit left turns on Main Street to and from Ellis Avenue. The purpose of the project is to reduce traffic congestion and accident rates in the area of the project intersection. Currently, significant delays occur at the Beach Boulevard/Main Street intersection. This results in blockages at the project intersection, which can cause substantial delays when traveling through both intersections, particularly when traveling northbound on Main Street. Consequently, this area has above average vehicle accident rates when compared to similar facilities. The project would improve traffic flow, simplify the intersection configuration and reduce vehicle accidents within the Five Points area (Beach/Ellis/Main). Additionally, all potential construction impacts would be addressed through the project design and compliance with existing regulations and code requirements.

**THE MEETING WAS ADJOURNED AT 1:43 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, AUGUST 20, 2014, AT 1:30 P. M.**

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Ricky Ramos  
Zoning Administrator

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