

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-7 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, FEBRUARY 17, 2010 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Tess Nguyen, Hayden Beckman, Ethan Edwards, Andrew Gonzales, Kimberly De Coite (recording secretary)

**MINUTES:** **NONE**

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 2009-007 (WOODY'S DINER ALCOHOL SALES AND OUTDOOR DINING)**

**APPLICANT:** Charles Ramm, Charles Ramm Associates, Inc.  
**PROPERTY OWNER:** L.C. Smull Business Properties, 17631 Fitch, Irvine, CA 92614  
**REQUEST:** To permit (a) the onsite sale and consumption of alcoholic beverages within an existing 5,502 sq. ft. restaurant and new 660 sq. ft. outdoor dining area; and (b) a 7 space parking reduction associated with the establishment of a 660 sq. ft. outdoor dining area located within an existing multi-tenant commercial shopping center.  
**LOCATION:** 10136 Adams Avenue, 92646 (south of Adams Avenue, east of Brookhurst 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 had received no public comments.

Mr. Ramos asked staff if the applicant is planning on restriping the parking lot. Ms. Nguyen stated that the parking spaces would be striped at a 90 degree angle to accommodate an additional two spaces. Charles Ramm, applicant, stated that the lot restriping was primarily intended to allow for the handicapped stalls and ramp to be widened for ADA compliance.

Mr. Ramos asked staff if the site had any prior parking reductions. Ms. Nguyen stated that there was a one space reduction for a previous restaurant containing a dance floor.

Mr. Ramos asked if the City's Public Works Traffic Division staff had reviewed the application. Ms. Nguyen stated that they have and that they are in agreement with the methodology of the study.

**THE PUBLIC HEARING WAS OPENED.**

Charles Ramm, applicant, stated that he had worked closely with staff on this request and had no concerns with the conditions of approval. He indicated that they are interested in making aesthetic and physical improvements to the site.

Mr. Ramos noted that the parking demand study was completed in 2009 and expressed concern that it might not accurately reflect the potential demand due to the current economic climate. He asked the applicant if the other Woody's restaurants had seen a severe decline in business.

Erik Johnson, business owner, stated that business is down between eight and ten percent. Mr. Ramos noted that the parking analysis indicated a peak parking demand of 41 spaces and a potential ten percent increase in business the parking demand would be below the minimum code required 55 parking spaces.

Mr. Ramos asked if staff recommended conditioning any of the proposals in the Transportation Demand Management Plan. Ms. Nguyen stated that the shopping center will be applying for a parking reduction and that staff recommended addressing any concerns at that time.

**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 minor modifications to the findings for approval.

**CONDITIONAL USE PERMIT NO. 2009-007 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED 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. 2009-007:**

*To permit the onsite sale and consumption of alcoholic beverages within an existing 5,502 sq. ft. restaurant and new 660 sq. ft. outdoor dining area.*

1. Conditional Use Permit No. 2009-007 for the establishment of onsite alcohol sales within a 5,502 sq. ft. restaurant and 660 sq. ft. outdoor dining area at an existing commercial 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 sale of alcohol within the restaurant and outdoor dining area is not anticipated to generate additional noise, traffic, or other impacts detrimental to surrounding

properties and inconsistent with the subject property's commercial zoning. The main entrance of the restaurant and outdoor dining area are oriented toward Adams Avenue, away from adjacent residential uses located to the south and east of the subject site. The outdoor dining area shall be enclosed by a 3 ft. 6 in. high block wall. Residential uses are adequately buffered from the restaurant and outdoor dining area by a minimum 300 ft. separation which includes a parking lot, one-story commercial building, and a 6 ft. high perimeter block wall.

2. The conditional use permit 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 and outdoor dining area within an established commercial shopping center containing similar and complementary uses. The outdoor dining area represents a negligible expansion and, therefore, will be a compatible continuation of the restaurant use.
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 use in the district in which it is located. The proposed eating and drinking establishment use is permitted within the CG (Commercial General) zoning district pursuant to Section 211.04 of the HBZSO—*CO, CG, and CV Districts: Land Use Controls*. The HBZSO permits alcohol sales with approval of a conditional use permit. The restaurant and outdoor dining area with alcohol sales will be located within an existing shopping 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.
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 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 requested conditional use permit will accommodate existing development by allowing the establishment of a restaurant and outdoor dining area with alcohol 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.

*To permit a 7-space parking reduction associated with the establishment of a 660 sq. ft. of outdoor dining area located within an existing multi-tenant commercial shopping center.*

1. Conditional Use Permit No. 2009-007 for a 7-space reduction in required parking to allow the establishment of a 660 sq. ft. of outdoor dining area within an existing shopping center is based on a parking demand analysis and a transportation demand management plan, prepared by KHR Associates and James H. Kawamura, P.E., a state-registered traffic engineer (January 2010). 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 Woody's Diner location in Laguna Hills. The study concludes that the code required 62 spaces for the restaurant and the outdoor dining area is 21 more spaces than expected to be utilized during the highest peak parking demand. As a result, the parking demand study supports a 7-space reduction and concludes that adequate on-site parking can be accommodated for the proposed outdoor dining area.
2. The proposed 660 sq. ft. of outdoor dining area will not generate additional parking demand based on a parking demand analysis prepared by KHR Associates. The study relied on a survey and analysis of an existing Woody's Diner in Laguna Hills. The study determined that the City's minimum onsite parking requirement for the restaurant and outdoor dining area is in excess of 21 spaces than the expected peak parking demand.
3. A Transportation Demand Management plan was prepared for the existing shopping center. The Plan incorporates transportation demand management measures such as bicycle racks, motorcycle parking spaces, 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. 2009-007:**

1. The site plan received and dated January 28, 2010, floor plans and elevations received and dated October 13, 2009 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. The location shall not obtain or exercise the privileges of a Type-42 (on-sale beer/wine public premise) or a Type-48 (on-sale public premise) California Department of Alcoholic Beverage Control license. **(PD)**
  - b. Food from the regular restaurant menu must be available from opening until 30 minutes prior to the scheduled closing time. **(PD)**
  - c. All areas permitted for the sales, service, and consumption of alcoholic beverages shall be sufficiently illuminated to allow for the identification of patrons. **(PD)**
  - d. Alcoholic beverages shall be served in containers which are distinct from non-alcoholic beverages. **(PD)**
  - e. The sales, service, and consumption of alcoholic beverages in the outdoor patio area shall only be permitted in conjunction with food service. **(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 and Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

g. The hours of operation shall be as follows:

- i. Sunday through Thursday: 6:00 AM – 10:00 PM
- ii. Friday and Saturday: 6:00 AM – 11:00 PM

3. 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 2: CONDITIONAL USE PERMIT NO. 2010-001 (MONA LISA RESTAURANT)**

APPLICANT: Omid Ataie, Mona Lisa Restaurant  
PROPERTY OWNER: Huntington Beach Shopping Center, Ltd., 16200 Ventura Blvd., #302, Encino, CA 91436  
REQUEST: To permit the on-site sale and consumption of beer and wine within an existing 995 sq. ft. restaurant located within an existing multi-tenant commercial shopping center.  
LOCATION: 9017 Adams Avenue, 92646 (north of Adams Avenue, east of Magnolia Street)  
PROJECT PLANNER: Hayden Beckman

Hayden Beckman, Planning Aide, 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. Beckman stated that staff had received no public comments regarding this item.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff with minor modifications the findings for approval.

**CONDITIONAL USE PERMIT NO. 2010-001 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 negligible expansion of an existing restaurant use and involves no expansion in the overall floor area of the structure.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2010-001:**

1. Conditional Use Permit No. 2010-001 for the establishment, maintenance and operation of the on-site sales and consumption of alcohol within an existing restaurant 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 subject tenant space is located approximately 100 linear feet from residential uses to the north. Residential uses are buffered by a 6 ft. high property line block wall, 25 foot wide drive aisle, and an existing single story commercial building. Entrance doors into the restaurant are located along the south side of the building facing Adams Avenue which is directed away from adjacent residences. Alcohol consumption will be limited to the interior of the business and with incorporation of the conditions of approval is not anticipated to significantly impact the surrounding area and shall be in conjunction with a bona fide eating establishment. Additionally, the site provides the necessary parking to accommodate the request.
2. The conditional use permit will be compatible with surrounding uses because the sales and consumption of alcohol will be ancillary to the restaurant and occur within the interior of the restaurant during business hours similar to other commercial uses within the vicinity. The restaurant is located within an existing commercial development and consistent with adjacent neighborhood oriented uses, which serve local residents.
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 with alcohol sales is located within an existing commercial center and complies with on-site parking requirements. Alcohol sales are permitted in the CG (Commercial General) zone subject to 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 Commercial General (CG) on the subject property. In addition, it is consistent with the following objective and policy 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 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 within an existing commercial center, which includes service and retail uses.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2010-001:**

1. The site plan, floor plans, and elevations received and dated January 5, 2010 shall be the conceptually approved layout.
2. The use shall comply with the following:
  - a. Business hours shall be limited to between 11:00 AM and 10:00 PM. **(PD)**
  - b. Food from the regular full menu must be available up to one hour prior to the scheduled closing time. **(PD)**
  - c. The submitted floor plan shall not be modified without prior approval from the Huntington Beach Police Department. **(PD)**
  - d. Alcoholic beverages shall be served in containers which are distinct from non-alcoholic beverages. **(PD)**
  - e. All areas permitted for the sales, service, and consumption of alcoholic beverages shall be sufficiently illuminated to allow for the identification of patrons. **(PD)**
  - f. No advertisements or banners promoting the sales of alcoholic beverages shall be visible from outside the business. **(PD)**
  - g. 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 and Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. 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

**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. 2009-035 (AT&T MONOPOLE TOWER EXTENSION)**

APPLICANT: Richard Ambronsi, Reliant Land Services  
PROPERTY OWNER: Fidencio and Vivian Alvarez, 18262 Pammy Lane, Huntington Beach, CA 92648  
BUSINESS OWNER: AT&T Mobility, 6131 Orangethorpe Rd, 5<sup>th</sup> Floor, Buena Park, CA 90626  
REQUEST: To permit a 10 ft. height extension to an existing wireless monopole tower disguised as a pine tree for a maximum height of 60 ft. and the co-location of nine (9) additional antennas and installation of associated equipment within an existing fenced enclosure.  
LOCATION: 18211 Enterprise Lane, 92648 (southwest corner of Enterprise Lane and Prodan Drive)  
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 presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Mr. Ramos asked if the antennas on the lower portion of the monopole could be moved closer together. Thomas Mundl, applicant, stated that the bottom portion of the pole is already in existence and cannot be modified. He noted that the manufacturer which built the monopole has been contacted for the extension to allow the tree branches and foliage to match. Mr. Ramos asked staff if Condition No. 1 is a Design Review Board (DRB) recommendation and Mr. Edwards confirmed this.

**THE PUBLIC HEARING WAS OPENED.**

Thomas Mundl, applicant, stated that he had no comments or concerns regarding the conditions of approval.

**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 modifications to the findings and conditions of approval.

**CONDITIONAL USE PERMIT NO. 2009-035 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED 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 negligible expansion of an existing use.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-035:**

1. Conditional Use Permit No. 2009-035 for the establishment, maintenance and operation of a 10 ft. high extension to an existing wireless communications facility disguised as a pine tree "monopine" measuring a maximum of 60 ft. high and the collocation of nine (9) panel antennas including associated equipment within an existing fenced enclosure 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 modification to the existing facility will be located within an existing industrial park and will not generate additional noise, traffic, or demand for parking above that which already exists on the subject site. The existing structure is approximately 380 ft. from the nearest residential neighborhood to the east. The structure at the proposed height does not create any visual impairment for vehicular traffic because of its distance from the closest public right-of-way and screening by surrounding industrial buildings. The height extension to the existing wireless monopine will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity.
2. The conditional use permit will be compatible with surrounding uses because the wireless communication facility is surrounded by industrial uses and buildings. The height extension utilizes stealth techniques by incorporating a "pine tree" design matching the existing facility. The ground mounted associated equipment will be screened from public view within an existing 8 ft. high block wall enclosure.
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) including the provisions of HBZSO Section 230.96 which regulates wireless communication facilities. Wireless communication facilities are permitted at a height of 60 ft. within the IG (Industrial General) zoning district with 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 Industrial on the subject property. In addition, it is consistent with the following goal, objective, and policy of the General Plan:

A. Land Use Element

Goal - LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

B. Utilities Element

Objective - U 5.1: Ensure that adequate natural gas, telecommunication and electrical systems are provided.

Policy - U 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

The proposed facility will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity. In addition, the proposed height extension to the existing facility is designed to simulate the appearance of a pine tree. The location of associated equipment will be screened entirely from public view by a blockwall and surrounding industrial buildings. The visual impacts of the facility will be reduced by utilizing stealth techniques to blend into the surrounding environment.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-035:**

1. The site plan, floor plans, and elevations received and dated December 7, 2009 shall be the conceptually approved design with the modification that the wireless communication pole extension shall be designed as a pine tree "monopine", matching the existing colors, materials, and leaf dispersion as deemed necessary by the Planning and Building Department. **(DRB)**
2. 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 1:45 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, FEBRUARY 24, 2010, AT 1:30 PM.**

*R. Ramos*

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Ricky Ramos  
Zoning Administrator

RR:kdc