

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

WEDNESDAY, JULY 18, 2012 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Ethan Edwards, Andrew Gonzales, Judy Demers
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 12-06 (VEGILICIOUS RESTAURANT)

APPLICANT: Akira Nakao
PROPERTY OWNER: D.D. Dunlap Properties, Inc., 16897 Algonquin Street, Huntington Beach, CA 92649
REQUEST: To permit the conversion of an existing retail space into a new 1,300 sq. ft. restaurant within a commercial shopping center.
LOCATION: 16821 Algonquin Street, Unit 103, 92649 (northwest corner of Davenport Drive and Algonquin Street – Huntington Harbour Mall)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

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

THE PUBLIC HEARING WAS OPENED.

Akira Nakao, 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.

COASTAL DEVELOPMENT PERMIT NO. 12-06 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 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 - COASTAL DEVELOPMENT PERMIT NO. 12-06:

1. Coastal Development Permit No. 12-06 to permit the conversion of an existing retail space into a new 1,300 sq. ft. restaurant within a commercial shopping center conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following policies:

Policy – C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Policy – C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.

The proposed use is similar to and compatible with existing uses in the Huntington Harbour Mall. It will be located within the interior of the existing commercial center to serve the residents in the community and visitors to the area.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable land use controls and development standards, including on-site parking requirements.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project will involve tenant improvements on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 12-06:

1. The site plan received and dated June 19, 2012 and floor plan received and dated June 28, 2012, shall be the conceptually approved design.
2. CDP No. 12-06 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 & Building Department a minimum 30 days prior to the expiration date.

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/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: COASTAL DEVELOPMENT PERMIT NO. 12-08/ TEMPORARY USE PERMIT 12-03 (5th STREET CLOSURE)

APPLICANT: Anna Maria Padilla, 155 5th Street, Unit P100, Huntington Beach, CA 92648

PROPERTY OWNER: CIM/Huntington LLC, 155 5th Street, Unit P100, Huntington Beach, CA 92648

REQUEST: To permit the closure of 5th Street between Pacific Coast Highway and Walnut Avenue (within The Strand) everyday between June 15, 2012 and September 15, 2012 to allow for outdoor events. The request consists of various activities including 4th of July Holiday Event, US Open Surfing Championship Event, yoga, movie nights, family craft events, activity booths, and live entertainment including music.

LOCATION: 5th Street, 92648 (between Pacific Coast Highway and Walnut Avenue, within The Strand)

PROJECT PLANNER: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Mr. Edwards stated that staff had received one letter from Merrilee Swimwear referencing a letter from Merillo Law Firm dated June 5, 2012.

Ricky Ramos, Zoning Administrator, verified the location of the proposed street closure. He also verified that vehicles would be able to access the alley adjacent to 5th Street. He also verified that there would be pedestrian access.

THE PUBLIC HEARING WAS OPENED.

Anna Padilla, applicant, stated that he had no comments or concerns with staff's recommendations

Merillee Madrigal, Merilee's Swimwear, verified with staff that the proposed request has been amended to allow two days of the street closure. Mr. Edwards verified that request has been modified.

Ms. Madrigal stated that she is opposed to the proposed request. She cited her concerns that allowing the street closure would negatively impact her business. She also stated that she did not want vehicles parking and or staging for the event in front of her store.

Kelly Cooper, resident, stated that she supports the proposed project. She believes the street closure would attract more local families to The Strand area.

Celeste Hamill, Business Improvement District, noted that there has been a challenge attracting visitors to The Strand area. The proposed street closure is an attempt to attract visitors to The Strand.

Mr. Ramos verified with the applicant the times of the closure.

Ms. Padilla noted that street closures are requested to benefit the tenants of The Strand. They are meant to encourage visitors to The Strand. She stated that she surveys The Strand Tenants after a street closure and the responses are positive.

Ms. Madrigal stated that the City is giving the street to CIM to utilize as they wish. She noted that parking in the downtown area is a major concern. The street closure negatively impacts many store owners.

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.

COASTAL DEVELOPMENT PERMIT NO. 12-008 / TEMPORARY USE PERMIT NO. 12-003 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING 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) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas Trees, etc., are exempt from further environmental review.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-08:

1. Coastal Development Permit No. 12-08 for the development project, as proposed, conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following Coastal Element Land Use Policies:

Policy C 1.1.6: Temporary and seasonal activities within the coastal zone which do not qualify as exempt activities pursuant to the Coastal Commission's guidelines adopted by the Commission pursuant to Section 30610(i) of the Coastal Act shall be monitored and regulated through the coastal development permit process to protect coastal resources from adverse impacts associated with the seasonal or temporary activities.

Policy C 3.2.1: Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

The proposed temporary 5th Street closure will attract tourists and Huntington Beach residents to Main St., 5th St., and the Municipal Pier reinforcing Downtown Huntington Beach as a "hub" of community activity. The proposed events increase and enhance recreational opportunities in the coastal zone by providing public recreational and community activities with adequate parking within the downtown and if necessary in satellite facilities.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The temporary use does not involve the construction of permanent structures. Minimum aisle widths will be provided.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. All infrastructure exists for the proposed use consistent with the Huntington Beach Coastal Element.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. All public access will remain to the beach and pier area.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 12-03:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The temporary use permit will be compatible with the surrounding uses because the event is temporary in nature and is consistent with the character of the area. It will not alter existing property and improvements in the area.
2. Approval of the application for the temporary closure of 5th Street, between Pacific Coast Highway and Walnut Avenue, to allow for an outdoor events on Fridays and Saturdays only between August 3, 2012 and September 15, 2012, consisting of various activities including US Open Surfing Championship Event, yoga, movie nights, family craft events, activity booths, and live entertainment including music, will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.

The applicant will provide traffic controls, and security measures to mitigate potential impacts to the surrounding area.

**CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 12-08 /
TEMPORARY USE PERMIT NO. 12-03:**

1. The site plans received and dated February 11, 2012, shall be the conceptually approved layout.
2. The temporary closure of 5th Street for events shall be limited to Fridays and Saturdays only between August 3, 2012 and September 15, 2012.
3. Prior to implementation of the street closure on 5th:
 - a. An event description including: date and time, name of performers, expected attendance, advertising methods and sources, site plan, and security plan shall be submitted to the Police Department for review and approval a minimum of 30-days prior to any live entertainment. **(PD)**
 - b. An application for a Specific Event shall be submitted pursuant to Huntington Beach Municipal Code Section 13.54 a minimum of 30-days prior to a scheduled street closure and reviewed and approved by the Specific Events Committee. **(CS)**
 - c. A detailed traffic control plan shall be submitted to the Public Works Department for the closure of 5th Street showing all the proposed traffic control devices that will be in place during the closure. The installed traffic control devices shall require minimal or no maintenance for the duration of the closure **(PW)**
 - d. Crash rated barriers (e.g. water filled “k” rails) shall be installed on 5th Street at Walnut Avenue and on 5th Street just north of the alley exit. Concrete planters shall not be used as barriers. **(PW)**
 - e. Exit devices shall be installed at the alley, which direct exiting vehicles in a southbound direction towards Pacific Coast Highway. Traffic control devices placed near the alley exit shall provide adequate clearance from turning vehicles. **(PW)**
 - f. The sidewalks and curb ramps on 5th Street shall remain accessible at all times. **(PW)**
 - g. Traffic Control for the event shall be provided in accordance with all Public Works, Police and Fire Department requirements for access, circulation and protection of the public. If outside contractors are used in lieu of City forces to install traffic control, encroachment permits shall be obtained from Public Works Department and CALTRANS (if required). **(PW)**
4. The Director of Planning and Building may approve minor amendments or modifications to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required.

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 1:57 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, AUGUST 1, 2012, AT 1:30 P. M.

Ricky Ramos
Zoning Administrator

RR:jd