

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

WEDNESDAY, MAY 3, 2017 - 1:30 P.M.

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

ITEM 1: ENTITLEMENT PLAN AMENDMENT NO. 16-009 (HERO'S PUB-CONTINUED FROM THE MARCH 1, 2017 MEETING)

APPLICANT: Regis A. Guerin, 20431 Kenworth Circle, Huntington Beach, CA 92646
PROPERTY OWNER: Manizheh Yomtoubian, Trustee, P.O. Box 3595, Newport Beach, CA 92660
REQUEST: To amend Conditional Use Permit No. 03-024 to modify Condition 2.e to permit the sale, service and consumption of beer and wine (ABC Type 41 License) within an existing outdoor patio area and to relocate and reduce the size of the existing outdoor patio area to 315 sq. ft.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
LOCATION: 714 Adams Avenue Suite 101, 92648 (south of Adams Ave., west of Beach Blvd.)
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. 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.

Regis A. Guerin, applicant, stated that he had no comments or concerns with the staffs' recommendations. Mr. Guerin noted that he is going to be a good neighbor.

Jeff Bailey, resident, commented on the proposed project. He stated that he had concerns with the relocation of the patio as it may increase noise.

Kay Bailey, resident, commented on the proposed project. She cited concerns with noise and secondary smoke.

Mr. Ramos explained that secondary smoke is tough to regulate. He noted that the proposed project has approximately two dozen conditions that must be followed to approve the proposed project. The conditions should help with noise issues.

Stephanie Guillen, resident, spoke in opposition of the proposed project. She cited her concerns with noise and the serving of alcohol on the patio. She also inquired about the process in place to ensure the conditions of approval are being followed.

Mr. Ramos noted that in Huntington Beach it is common to allow patios with alcohol service. He explained the process in place should the applicant violate any of the conditions.

Leonard Guillen, resident, inquired as to when the approval or denial of the proposed project would be decided. Mr. Ramos stated he would make the decision at this hearing.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the request as recommended by staff with a modification to Condition 2 regarding posting of signage on the property.

ENTITLEMENT PLAN AMENDMENT NO. 16-009 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 involves no expansion in the overall floor area of an existing restaurant.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 16-009:

1. Entitlement Plan Amendment No. 16-009 to amend Conditional Use Permit No. 03-024 to modify Condition 2.e to permit the sale, service and consumption of beer and wine (ABC Type 41 License) within an outdoor patio area and to relocate the existing outdoor patio area to the north side of the building 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 relocation and addition of beer and wine within the 315 sq. ft. patio area is not anticipated to generate noise, traffic, parking or other impacts detrimental to surrounding properties or inconsistent with the subject property's commercial zoning. The residential uses to the south of the subject site are buffered from the relocated outdoor patio area by the existing two story commercial building and by an approximately 5 ft. 6 in. high perimeter blockwall. The relocated outdoor patio area will be approximately 75 ft. away from the nearest single family dwelling and as proposed, the existing rear exit door facing the residential uses to the south will be walled off, creating an additional noise barrier. The storefront of the restaurant and entrance to the patio area are

oriented toward Adams Avenue, away from nearby residences. In addition, the sale, service and consumption of beer and wine beverages will be contained within the 1,000 sq. ft. restaurant and in the delineated 315 sq. ft. outdoor patio area.

2. Entitlement Plan Amendment No. 16-009 to amend Conditional Use Permit No. 03-024 to modify Condition 2.e to permit the sale, service and consumption of beer and wine (ABC Type 41 License) within an outdoor patio area and to relocate the existing outdoor patio area to the north side of the building will be compatible with surrounding uses because the project consists of an commercial use similar to those found in the vicinity. Additionally, the onsite consumption of beer and wine beverages will be ancillary to the existing restaurant and will occur entirely within the previously approved 1,000 sq. ft. restaurant and the delineated 315 sq. ft. outdoor patio area. Based upon the operational conditions imposed, including limiting outdoor patio hours from 8:00 AM to 9:45 PM, the relocated outdoor patio area is not anticipated to result in negative impacts on adjacent properties.
3. The proposed Entitlement Plan Amendment No. 16-009 to amend Conditional Use Permit No. 03-024 to modify Condition 2.e to permit the sale, service and consumption of beer and wine (ABC Type 41 License) within an outdoor patio area and to relocate the existing outdoor patio area to the north side of the building will comply with the provisions of the base district, other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, and any specific condition required for the proposed use in the district in which it would be located. The existing 1,000 sq. ft. restaurant and the relocated 315 sq. ft. outdoor patio area conform to applicable site development requirements including minimum setbacks, minimum landscaping, and minimum onsite parking. The relocated 315 sq. ft. outdoor patio area shall be limited to a maximum number of five tables and 20 seats, so as not to require additional parking. Vehicular and pedestrian access to neighboring businesses will not be obstructed with the installation of the 315 sq. ft. outdoor patio area. It will also comply with the minimum ADA requirements of a four foot sidewalk width. The onsite consumption of alcoholic beverages is permitted in the Commercial General (CG) zoning district with the approval of a conditional use permit.
4. The granting of Entitlement Plan Amendment No. 16-009 to amend Conditional Use Permit No. 03-024 to modify Condition 2.e to permit the sale, service and consumption of beer and wine (ABC Type 41 License) within an outdoor patio area and to relocate the existing outdoor patio area to the north side of the building will not adversely affect the General Plan. It is consistent with the Land Use Element designation of 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 315 sq. ft. outdoor patio area for the onsite sale, service and consumption of beer and wine (ABC Type 41 License) will be ancillary and incidental to the existing restaurant. 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. Based upon the operational conditions imposed, the relocated outdoor patio area is not anticipated to result in negative impacts on adjacent properties.

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 16-009:

1. The site plan, floor plans, and elevations received and dated March 30, 2017 shall be the conceptually approved design.
2. Signage attached to the building and near the patio area shall direct patrons to not loiter, smoke or drink in the open space along east and south sides of the restaurant.
3. Prior to submittal for building permits, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
4. All conditions from the previously approved Conditional Use Permit No. 03-024 shall be adhered to with exception of condition of approval Nos. 2.c and 2.e which are amended by EPA 16-009.
5. The use shall comply with the following:
 - a. The proposed 315 sq. ft. outdoor patio area shall be limited to a maximum number of five tables and 20 seats.
 - b. Hours of operation of the outdoor patio area shall be limited to between 8:00 a.m. and 9:45 p.m. daily.
 - c. The establishment shall be limited to a Type 41 (On Sale Beer and Wine Eating Place) ABC License. **(PD)**
 - d. Live and recorded music shall be prohibited outdoors. **(PD)**
 - e. The front patio shall have a physical barrier of at least 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
 - f. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**

- g. 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 Police Department. **(PD)**
- h. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available to the public until at least sixty (60) minutes prior to the scheduled closing time. **(PD)**
- i. All alcoholic beverages shall remain within the interior of the business and within the confines of the patio area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). **(PD)**
- j. 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)**
- k. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- l. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- m. No new customers shall be permitted after 30 minutes before closing. **(PD)**
- n. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- o. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- p. An employee of the business must monitor all areas where alcohol is served. **(PD)**
- q. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- r. 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)**
- s. 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)**
- t. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- u. All persons engaged in the sale or service of alcohol shall complete a 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 an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
- v. 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)**

- w. 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)**
 - x. 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)**
6. Entitlement Plan Amendment No. 16-009 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.
 7. 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.
 8. 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: CONDITIONAL USE PERMIT 17-012 (ANIMAL HOSPITAL EXPANSION)

APPLICANT: Jon M. Califf, 369 N. Harwood St., Orange, CA 92866
PROPERTY OWNER: Michelle Coran, 15021 Edwards St., Huntington Beach, CA 92647
REQUEST: To allow an existing 6,215 sq. ft. animal hospital to expand into two adjacent suites (totaling 1,756 sq. ft.) within an existing commercial shopping center.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
LOCATION: 15021 Edwards Street, 92647 (near the southwest corner of Edwards St. and Bolsa 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.

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

THE PUBLIC HEARING WAS OPENED.

Jon M. Califf, applicant, stated that he had no comments or concerns with the staff's recommendations.

Michelle Coran, property owner, stated that she had no comments or concerns with the staff's recommendations.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT 17-012 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 involves a minor alteration to the operation of an existing development involving negligible expansion of an existing use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-012:

1. Conditional Use Permit No. 17-012 to permit an existing 6,215 sq. ft. animal hospital to expand into two adjacent suites (totaling 1,756 sq. ft.) within an existing commercial shopping center 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 expansion will not generate traffic or other impacts detrimental to surrounding properties and inconsistent with the adjacent property's zoning. Additionally, the expanded area is within existing tenant spaces, approximately 100 ft. east

from the nearest residential use, which provides an adequate buffer from potential negative impacts associated with the use. Additionally, the expanded use will operate within the interior of the tenant space and will operate in the same manner as approved by Conditional Use Permit No. 90-069.

2. The conditional use permit to permit an existing 6,215 sq. ft. animal hospital to expand into two adjacent suites (totaling 1,756 sq. ft.) within an existing commercial shopping center will be compatible with surrounding uses because the subject business is located on a property designated for commercial use. The proposed expanded use is consistent with the existing land use pattern and compatible with adjacent uses.
3. The proposed conditional use permit to permit an existing 6,215 sq. ft. animal hospital to expand into two adjacent suites (totaling 1,756 sq. ft.) within an existing commercial shopping center 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. There is no physical expansion that includes additional floor area to the building as a part of this request and the use will comply with all building occupancy and exiting requirements.
4. The granting of the conditional use permit to permit an existing 6,215 sq. ft. animal hospital to expand into two adjacent suites (totaling 1,756 sq. ft.) within an existing commercial shopping center will not adversely affect the General Plan. It is consistent with the Land Use Element designation CN – F1 (Commercial Neighborhood – Maximum FAR 0.35) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

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 1,756 sq. ft. animal hospital expansion will provide an additional service within an existing commercial shopping center that enhances the surrounding neighborhood. The expansion will provide new job opportunities for existing and future residents and promote economic viability of the shopping center.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-012:


1. The site plan, floor plans, and elevations received and dated March 6, 2017 shall be the conceptually approved design.
2. The hours of operation shall be as follows:
 - a. Monday – Friday: 8:00 A.M. – 7:00 P.M.
 - b. Saturday: 8:00 A.M. – 5:00 P.M.
 - c. Sunday: 9:00 A.M. – 4:00 P.M.

3. All conditions from the previously approved Conditional Use Permit No. 90-069 shall be adhered to with exception of condition of approval No. 6 which is amended by CUP 17-012.
4. CUP No. 17-012 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.
5. 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 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.
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/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 1:54 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MAY 17, 2017, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:JC:jg