

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

WEDNESDAY, MAY 6, 2015 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos
STAFF MEMBER: Tess Nguyen, Ethan Edwards, Judy Demers
MINUTES: **NONE**
ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 15-002 (ONE STORY COMMERCIAL BUILDING)

APPLICANT: Paul Geijer, 512 Calle Malaguena, San Clemente CA 92672
PROPERTY OWNER: TP & JR Family Limited Partnership, 18822 Beach Boulevard #207, Huntington Beach CA 92648
REQUEST: To permit the construction of a new 3,250 sq. ft. one-story commercial building on a vacant lot.
LOCATION: 8081 Yorktown Avenue, 92646 (north side of Yorktown Ave. east of Beach Blvd.)
CITY CONTACT: 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 that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Paul Geijer, applicant, stated that he no comments or concerns with staff's recommendations.

Terry Trebon, resident, cited his concerns with the number of parking spaces required for the proposed project. He also stated he has concerns with the lack of security, the need for a block wall, and the potential for increase in noise, He also noted concerns he had during construction including his concern with length of construction, construction equipment being left on his adjacent property, and the potential for dust. Mr. Trebon inquired of the application process in place for the proposed project.

Mr. Ramos explained that the proposed project meets the City's code for the required number of parking spaces. He also explained that the proposed project does include a request for a 6' block wall as a taller wall would require a public hearing, he also gave a brief overview of the requirements placed on the applicant during construction. Mr. Ramos also explained the application and hearing process in place.

Marie Yee, resident, inquired about the vehicle access proposed for the project.

Ms. Nguyen verified the location of vehicle access for the proposed project.

Mr. Trebon inquired if the existing wooden fence would be taken down. Mr. Ramos, explained that the fence issue is one that should be resolved by the property owners.

Ladita, resident inquired if the vehicle access would be off of Yorktown. Mr. Ramos verified the location of the vehicle access location.

Marie Yee, inquired if the chain link fence located at the rear of the property would be remaining. A brief discussion took place regarding the chain link fence.

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 NO. 15-022 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 15303 of the CEQA Guidelines, because the proposed development consists of the construction of a new commercial building with 3,250 sq. ft. of floor area not involving the use of significant amounts of hazardous substances, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-002:

1. Conditional Use Permit No. 15-002 for the construction of an approximately 3,250 sq. ft. commercial building on a 19,000 sq. ft. commercial site 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 project will not significantly impact adjoining properties because it is located within a commercial zoning district. The layout of the site will provide safe conditions for pedestrian and vehicular circulation. The proposed use will be adequately parked for proposed commercial office only and will have minimal impacts to the adjacent residential properties with a 10-foot wide landscape planter along the east property line. Additionally, the structure will be setback at least 44 ft. away from the adjacent residential properties to the east. Furthermore, the project will not generate significant noise, odors, or other detrimental impacts to the surrounding area.
2. The proposed commercial building will be compatible with surrounding uses because the building is designed to be consistent with the surrounding neighborhood by providing appropriate scale and character through building siting and proportion. The project, as proposed, conforms to City of Huntington Beach Urban Design Guidelines for general commercial buildings with a functional site layout, a building orientation towards the street, rear parking lot, and perimeter and parking lot landscaping.

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 proposed development complies with the development standards and land use provisions in the Commercial General (CG) zoning district including minimum building setbacks, minimum onsite landscaping, minimum off-street parking, maximum building height, and maximum floor area ratio.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (Commercial General – 0.35 Max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals, objective, and policies of the General Plan:

A. Land Use Element

Goal - LU 10: Achieve the development of a range of commercial uses.

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 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy - LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development, including: (a) incorporation of site landscaping, particularly along street frontages and in parking lots; (e) architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

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 project consists of a neighborhood serving commercial use in an area designated for commercial uses. 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. The proposed building complies with the City of Huntington Beach Urban Design Guidelines for general commercial buildings, featuring quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-002:

1. The site plan, floor plans, and elevations received and dated March 13, 2015 shall be the conceptually approved design with the following modifications:
 - a. All exterior mechanical equipment shall be screened from view on all sides. The backflow prevention device adjacent to the walkway shall be setback 5 feet from the front property line and shall be screened from view. **(HBZSO Section 230.76)**

- b. A minimum of three bicycle parking spaces shall be provided for the project. **(HBZSO Section 231.20)**
 - c. Off-street parking improvements shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code, including dimensions and striping requirements. **(HBZSO Chapter 231)**
 - d. Landscape improvements shall comply with Chapter 232 of the Zoning and Subdivision Ordinance. The plantable width for perimeter landscaping along the west property line shall be five feet. The length of the parking spaces shall be 17 feet with 2 feet of landscaping overhang area (six inch curb and 1.5 ft. of landscaping). **(HBZSO Chapter 232)**
 - e. The 3-foot wide planter along the rear property line shall be continued in the area of the north reciprocal access until such time that reciprocal access to the adjacent property is granted and implemented. **(PL)**
 - f. The blue-green standing seam metal roof shall be darker in color and the building stucco colors shall be more muted and neutral. **(PL)**
 - g. The proposed gate/fence shall be removed. **(PL)**
 - h. The permeable pavers shall be installed starting from the back of the sidewalk. **(PL)**
 - i. The accessible ramp shall be setback three (3) feet from the front property line. The three (3) feet area in front of the ramp along the front property line shall be entirely landscaped. **(PL)**
 - j. The accessible ramp walls shall be no higher than 42 inches within the front yard setback area. **(PL)**
 - k. The driveway shall maintain a 10 feet by 10 feet visibility triangle. **(HBZSO 230.88.C.3)**
2. Prior to issuance of grading permits, at least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners and tenants on record of properties immediately adjacent to and across the street from the project site. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.
3. Prior to submittal for building permits, the following shall be completed:
- a. One set of revised site plan and elevations in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
 - b. 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.

- c. An "Acceptance of Conditions" form shall be properly executed by the developer and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Division for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
4. Prior to issuance of building permits, the following shall be completed:
 - a. All existing overhead 12kV electrical distribution and various communication lines along the Yorktown frontage shall be undergrounded. In lieu of compliance with this project Condition, an undergrounding in-lieu fee, in the amount of \$18,000 shall be paid to the City of Huntington Beach Public Works Department. **(PW)**
 - b. The property owner shall sign, notarize, and record with the County Recorder a covenant assuring that the commercial building shall be limited to professional office use unless parking is provided for any other permitted uses. **(PL)**
5. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 5 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
6. The structure cannot be occupied, the final building permit(s) cannot be approved, and issuance of a Certificate of Occupancy until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as modified by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - d. A Certificate of Occupancy must be approved and issued by the Planning and Building Department.
7. The use of the commercial building shall be limited to professional office use unless parking is provided for any other permitted uses. **(HBZSO Chapter 231)**

8. CUP No. 15-002 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 Planning Department a minimum 30 days prior to the expiration date.
9. 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.
10. 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 NO. 15-003 (MOD PIZZA ALCOHOL)

APPLICANT:	Alcoholic Beverage Consulting, Steve Rawlings, 26023 Jefferson Avenue, Suite D, Murrieta, CA 92562
PROPERTY OWNER:	Seacliff Village Shopping Center, Inc., c/o Vestar, 2437 Park Avenue, Tustin, CA 92782
REQUEST:	To permit the sale, service and consumption of alcohol (Type 41) within an eating and drinking establishment.
LOCATION:	7051 Yorktown Avenue, Unit 103 (NW corner of Main St. & Yorktown Ave.)
CITY CONTACT:	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.

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

THE PUBLIC HEARING WAS OPENED.

Steve Rawlings, applicant, stated that he no comment or concerns with staff's recommendations.

Mr. Ramos inquired about modifying the hours of operations. Mr. Rawlings stated that he appreciated the flexibility.

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 modifying the hours of operation.

CONDITIONAL USE PERMIT NO. 15-003 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 permitting alcohol sales with no expansion in the overall floor area of the existing commercial building.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-003:

1. Conditional Use Permit No. 15-003 to permit onsite sales, service and consumption of alcohol (beer and wine) at an approximately 2,669 sq. ft. eating and drinking establishment located within an existing commercial 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 restaurant is located within the interior of a commercial center and more than 500 feet from the nearest residential use. The proposed alcohol sales and service, 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 restaurant will serve food and beverages in conjunction with the proposed use.
2. The onsite sales, service, and consumption of alcohol (beer and wine) will be compatible with surrounding uses because the subject tenant suite is located within a Specific Plan area designated for mixed development that provides for a variety of uses and is surrounded by a majority of commercial uses such as restaurant, office, and retail. Alcohol sales, service, and consumption will only occur within the interior of the business and will be required to comply with conditions of approval pertaining to alcohol service and hours of

operation. Additionally, the use is subject to noise regulations to further ensure the compatibility with surrounding properties.

3. The proposed onsite sales, service and consumption of alcohol (beer and wine) 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 existing building as part of this request and the use will comply with all building occupancy/exiting requirements. The proposed use is subject to the review and approval of a conditional use permit.
4. The granting of onsite sales, service and consumption of alcohol (beer and wine) will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use Horizontal on the subject property. In addition, it is consistent with the following goal, objective and policies of the General Plan:

A. Land Use Element

Goal LU 10: Achieve the development of a range of commercial uses.

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, service 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 use will help to increase the economic viability of the eating and drinking establishment while providing an additional service to local residents and residents in the nearby region. The subject shopping center currently features large outdoor dining areas located nearby on the property that are utilized by customers of multiple businesses. To minimize potential impacts, alcohol is not permitted outside of the restaurant, as required by the Huntington Beach Police Department. The proposed use, as conditioned, is not anticipated to result in negative impacts on surrounding businesses and adjacent properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-003:

1. The site plan and floor plans received and dated March 13, 2015 shall be the conceptually approved design.
2. The hours of operation shall be limited to between 7:00 AM and 11:00 PM every day of the week.
3. The use shall comply with the following:
 - a. Prior to the 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)**

- b. All alcoholic beverages shall remain within the interior of the restaurant per Section 9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posed stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
 - c. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
 - d. No "happy hour" or reduced price alcoholic beverages shall be allowed at any time. **(PD)**
 - e. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
 - f. 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)**
 - g. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**
 - h. Dancing and live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City. **(PD)**
 - i. 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 shall 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)**
 - j. All areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
 - k. All employees shall complete an ABC approved training class within 30 days of being hired and they shall complete the program every 12 months thereafter. **(PD)**
 - l. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel shall be prohibited. **(PD)**
 - m. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted within the business. **(PD)**
 - n. All owners, employees, representatives, and agents shall 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)**
4. CUP No. 15-003 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 and Building 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 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.

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 2:06 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MAY 20, 2015, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:EE:jd