

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

WEDNESDAY, NOVEMBER 19, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jason Kelley, Rami Talleh, Kimberly De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2008-013 (DOG BEACH CANOPIES & STORAGE CONTAINER- CONTINUED FROM THE SEPTEMBER 24, 2008 MEETING)

APPLICANT: City of Huntington Beach, Community Services Department
PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648
REQUEST: To permit a) three 100 sq. ft., 10ft tall canopies and b) one 160 sq. ft., 8.5 ft. tall storage container for the distribution and storage of Dog beach information/merchandise and maintenance items.
LOCATION: Dog Beach (southside of Pacific Coast Highway, between Goldenwest Street and Seapoint Street)
PROJECT PLANNER: Jill Arabe

Rami Talleh, Senior Planner, reported that the applicant has requested a continuance to the December 17, 2008 meeting.

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

COASTAL DEVELOPMENT PERMIT NO. 2008-013 WAS CONTINUED TO THE DECEMBER 17, 2008 MEETING.

ITEM 2: CONDITIONAL USE PERMIT NO. 2008-039 (THE GOOD DAY CAFE)

APPLICANT: Debbie Rosetti-Colagion, 4911 Warner Avenue, Suite 102, Huntington Beach, CA 92649
PROPERTY OWNER: Arthur Jan Jr. D.M.D., 17444 Beach Blvd., Huntington Beach, CA 92647
REQUEST: To permit the sale of alcoholic beverages for onsite consumption at an existing restaurant.
LOCATION: 4911 Warner Avenue, Suite 102, Huntington Beach, CA 92649, (northeast corner of Warner Avenue and Green Street)
PROJECT PLANNER: Jason Kelley

Jason Kelley, Senior Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses 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. Kelley stated that no tenant improvements were requested.

THE PUBLIC HEARING WAS OPENED.

Debbie Rosetti-Colagion, applicant, stated that she had no comments or concerns.

Paul Wall, 4872 Tiara Drive, expressed concern about the potential patrons of the restaurant. He stated that he was concerned that serving alcoholic beverages would cause an increase in noise from the restaurant and the parking lot.

Mr. Ramos went over the Police Department recommended conditions for approval with Mr. Wall.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Kelley stated that staff had received one public comment from the property owner of a nearby apartment complex in opposition to the request due to a concern with the concentration of nearby sites serving alcoholic beverages and the possibility of serving alcoholic beverages outside on the patio. Mr. Kelley noted that Condition No. 1b restricts the service of alcoholic beverages to only the interior of the restaurant.

Mr. Ramos asked the applicant if she was aware of Condition No. 1b. Ms. Rosetti-Colagion confirmed that she was aware of it and had no objections.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 2008-039 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 the operation of an existing commercial business involving negligible or no expansion of the use beyond that previously approved.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-039:

1. Conditional Use Permit No. 2008-039 to permit the sale of alcohol for onsite consumption at an existing 1,260 sq. ft. 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 proposed alcohol sales will not generate additional noise, traffic, and demand for parking or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. The sales and consumption of alcoholic beverages will be within the interior of the building only. The building is surrounded by parking to buffer adjacent uses from potential negative noise impacts. The entrance to the restaurant is oriented toward the streets and adjacent commercial uses.
2. The conditional use permit will be compatible with surrounding uses because the sale and consumption of alcoholic beverages is ancillary to the previously approved restaurant use and will occur entirely within the interior of the building. The restaurant is a commercial use within a commercial corridor intended to serve the surrounding residential population.
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 and any specific condition required for the proposed use in the district in which it would be located. The onsite sale and consumption of alcoholic beverages will be limited to the interior of the building. Alcohol sales are permitted in the CG (Commercial General) zone, subject to conditional use permit approval. No new construction is proposed.
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 CG-F1 (Commercial General - .35 max FAR) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

- LU 10.1.1: 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.

The requested conditional use permit will accommodate existing development by allowing alcohol sales at a previously approved restaurant. The proposed use will serve the needs of local residents and visitors to the City by providing for additional dining service and menu options.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-039:

1. The site plan and floor plans received and dated September 24, 2008 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Any outdoor advertisement or banner promoting the sales of alcohol shall be prohibited. (PD)
 - b. The consumption and sales of alcoholic beverages shall be restricted to the interior of the business. (PD)
 - c. The establishment shall provide full meal services until one hour prior to closing. (PD)
3. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
4. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations or floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action and the conditions herein. 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 Huntington Beach Zoning and Subdivision Ordinance.
5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

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 1:46 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 3, 2008 AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc