

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

**WEDNESDAY, NOVEMBER 2, 2016- 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Kimo Burden, Jessica Bui, Joanna Cortez, Judy Graham

**MINUTES:** **NONE**

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 16-037 (RALPH'S ALCOHOL TASTING)**

**APPLICANT:** David Weissglass, 709 East Colorado Boulevard Suite 200, Pasadena, CA 91101  
**PROPERTY OWNER:** Fitzpatrick Family Trust C/O The Horowitz Group, 1191 San Vicente Boulevard No. 310, Los Angeles, CA 90049  
**REQUEST:** To permit an 80 sq. ft. alcohol beverage tasting area (ABC Type 86 License – Instructional Tasting) within an existing grocery store.  
**LOCATION:** 5241 Warner Ave, 92649 (north of Warner Ave. and east of Airport Circle)  
**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.**

Alex, representing the applicant, stated that he had no comments or concerns with staff's recommendations.

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

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

**CONDITIONAL USE PERMIT NO. 16-037 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 retail store.

## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-037:**

1. Conditional Use Permit No. 16-037 for the establishment, maintenance and operation of an approximately 80 sq. ft. alcohol tasting area within an existing grocery store, would 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 tasting area would be approximately 80-sq. ft. in size and authorized by a Type 86 ABC License (Instructional Tasting), and is proposed to operate between 10:00 AM and 9:00 PM everyday within an existing grocery store. Since the proposed tasting area would be completely within the existing grocery store and ancillary to the operation of the market, it is not anticipated to generate noise, traffic, parking and other impacts detrimental to surrounding properties or inconsistent with the subject property's Meadowlark Specific Plan zoning. The alcohol beverage tasting area would be located within an existing approximately 52,710 sq. ft. grocery store that currently operates daily from 6:00 AM to 1:00 AM. The existing store has an ABC Type 21 - Off-Sale license and currently sells a full line of alcoholic beverages for off-site consumption. The proposed on site consumption of alcoholic beverages will be for sampling purposes only to introduce/highlight new brands or products featured by the grocery store. The tasting area would be wholly contained within a delineated area inside the store and no change to hours of operation or character of the existing use is proposed.
2. Conditional Use Permit No. 16-037 to permit an 80 sq. ft. alcohol beverage tasting area (ABC Type 86 License – Instructional Tasting) within an existing grocery store, will be compatible with surrounding uses because the on-site consumption of alcoholic beverages will be within and ancillary to the existing grocery store and will be conducted entirely within the interior of a commercial building and during limited hours of operation (10:00 AM and 9:00 PM) everyday.
3. The proposed alcohol tasting area (ABC Type 86 License – Instructional Tasting) 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 use in the district in which it is located. The proposed 80 sq. ft. tasting area within the existing grocery store conforms to applicable site development requirements as the proposed use does not result in any expansion/intensification of the existing use. The onsite consumption of alcoholic beverages is permitted in the Meadowlark Specific Plan commercial zoning district with the approval of a conditional use permit.
4. The granting the Conditional Use Permit No. 16-037 to establish an 80 sq. ft. alcohol beverage tasting area (ABC Type 86 License – Instructional Tasting) within an existing grocery store, will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use – Specific Plan Overlay (M-sp) 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 80 sq. ft. alcohol tasting (beer, wine and distilled spirits) would be ancillary and incidental to the existing grocery store. The proposed tasting area would market its services to local residents and residents in the surrounding region who shop at the existing grocery store, thereby expanding the service-based commercial opportunities in the City and contributing to the diversity of retail and service uses that are oriented to local and regional residents. Based upon the operational conditions imposed and the incidental nature of the tasting area operation, the alcohol tasting is not anticipated to result in negative impacts on adjacent properties.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-037:**

1. The site plan and floor plan received and dated October 18, 2016 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. The on-site service and consumption of alcoholic beverages shall be permitted between the hours of 10:00 AM and 9:00 PM.
  - b. Prior to the service of alcoholic beverages, a copy of the Alcoholic Beverage Control license, along with any special conditions imposed by the ABC, shall be submitted to the Community Development Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to. The business shall be limited to the conditions contained in the ABC Type 86 (Instructional Tasting) License.
  - c. Consumption of alcoholic beverages shall be limited to the designated tasting area as indicated on the plans submitted October 18, 2016. **(PD)**
  - d. All persons under 21 years of age are prohibited in the tasting area during tasting events. **(PD)**
  - e. Live Entertainment shall not be permitted unless a Conditional Use Permit for this specific use is reviewed, approved and a valid Entertainment Permit is issued by the Huntington Beach Police Department. **(PD)**

3. Conditional Use Permit No. 16-037 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.
4. 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. 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.
5. 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: TEMPORARY USE PERMIT NO. 16-002 (BUNGALOW TEMPORARY TENT)**

APPLICANT: Brent Bolthouse, 2800 Olympic Boulevard, Santa Monica, CA 90404

PROPERTY OWNER: DJM Capital Partners, 60 South Market Street #1120, San Jose, CA 95113

REQUEST: To permit an approximately 1,900 sq. ft. temporary tent structure annually (November 15th to April 15th) on the patio of an existing eating and drinking establishment (The Bungalow) for a period of five (5) years from 2016 to 2020.

LOCATION: 21058 Pacific Coast Highway #240, 92648 (north side of Pacific Coast Hwy. and south of 1<sup>st</sup> St.)

CITY CONTACT: Jessica Bui

Jessica Bui, 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.**

Brent Bolthouse, applicant, stated that he had no comments or concerns with staff's recommendations.

Igor Krachmar, representing the Pasea Hotel, stated that he had concern with the proposed project blocking the ocean view for patrons of the Pasea Hotel. Ms. Bui noted that the proposed temporary tent was made of a transparent material and would not block the view for the Pasea guests.

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

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

**TEMPORARY USE PERMIT NO. 16-002 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 15304 of the CEQA Guidelines, because the project involves a minor temporary use of land having negligible or no permanent effects on the environment.

**FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 16-002:**

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan, the Local Coastal Program, the provisions of Chapter 241, and the Downtown Specific Plan. The Land Use Element designation on the subject property is CV-F7-sp (Commercial Visitor – 3.0 FAR – Specific Plan Overlay). The proposed use is consistent with the following goals and policies of the City's General Plan as follows:

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

Objective LU 10: 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 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.

Policy C 3.2.4: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed temporary use will diversify and sustain economic viability while providing for the needs of residents and visitors as the temporary tent will allow for patrons of the eating and drinking establishment shelter from natural elements and allow for the use of an existing outdoor patio area during the colder winter months. The proposed temporary use is also consistent with the policies of the Local Coastal Program as a large component of the business is the outdoor patio area which encourages variety in the types of visitor serving uses. The proposed temporary tent will enhance and promote a variety of uses in the Coastal Zone by making full use of the patio area year round.

2. Approval of the proposed temporary use, as conditioned, will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The proposed temporary use will occur on private property within an existing patio area; and as conditioned, will ensure that adequate public, disabled, and emergency access will be maintained. Additionally, exterior lighting outside of the proposed temporary tent structure is prohibited and any possible noise disturbances are minimized to ensure the use will not be detrimental to the surrounding area.

**CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 16-002:**

1. The site plan, floor plans, and elevations received and dated September 29, 2016 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. A minimum of 30 days prior to the commencement of the temporary use each year, a schedule to construct and take down the temporary tent structure intended to occur in that year shall be submitted to the Planning Division for review and approval. The schedule shall include the specific date of when the temporary tent will be constructed and the date when the tent will be taken down. The temporary tent shall be permitted for a maximum of five months, annually.
  - b. Temporary Use Permit No. 16-002 is valid for a maximum five year period (2016 – 2020) unless extended by the Community Development Department.
  - c. The temporary tent structure shall be removed by April 15<sup>th</sup> each approved year.
  - d. The temporary tent shall be maintained in a neat and clean manner, free of any tatters, rips, or disrepair. In the event the tent becomes damaged, it shall be repaired and/or replaced immediately.
  - e. All exterior lighting outside of the temporary tent structure shall be prohibited unless otherwise permitted by the Community Development Department.
3. Temporary Use Permit No. 16-002 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 Department of Community Development a minimum 30 days prior to the expiration date.
4. 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.

5. 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 1:39 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 16, 2016, AT 1:30 P. M.**



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Ricky Ramos  
Zoning Administrator

RR:JC:jg