

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

WEDNESDAY, OCTOBER 16, 2013 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Kristi Rojas, Ethan Edwards,, Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: TEMPORARY USE PERMIT NO. 13-002 (HSS P.C.H. OUTDOOR SALES)

APPLICANT: Aaron Pai, HSS, 300 PCH, Suite 104, Huntington Beach, CA 92648
PROPERTY OWNER: Joe Daichendt, 300 Pacific Coast Highway, Suite 119, Huntington Beach, CA 92648
REQUEST: To permit outdoor sidewalk sales on approximately fifty (50) days per year for a period of five (5) years from 2014 to 2018.
LOCATION: 300 Pacific Coast Highway, Suite 104, 92648 (northeast corner of Pacific Coast Highway and Main Street)
PROJECT PLANNER: Kristi Rojas

Kristi Rojas, Project 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. She also noted that she had received four emails opposing the proposed project, citing negative appearance, obstruction of the pedestrian traffic, and concern that other shops would want to have outdoor displays as well.

Ricky Ramos, Zoning Administrator, stated that he did not have any questions for staff.

THE PUBLIC HEARING WAS OPENED.

Aaron Pai, applicant, gave a brief history of HSS's outside sales and displays. He stated that he had was informed of the setback requirement prior to the meeting and wanted to discuss with staff. He noted that he has worked with City Council and City staff to improve the aesthetics of the outdoor displays. He also mentioned that the sales takes place on private property not public property.

Mark Bixby, Planning Commission Chair, stated that he had concerns that the sidewalk sales were permitted to be held more than 50 days for two years of the five years permitted previously.

Gerald Chapman, resident, spoke in opposition citing concerns with the potential negative impacts to the aesthetics to the downtown area. He also cited concerns with the view into the building being obscured by the displays, the appearance of the sales taking place on private property, and the amount of days that are being requested for the sidewalk sales. Mr. Ramos noted that the sales were held on private property.

Simone Slifman, City of Huntington Beach, spoke in support of the proposed permit. She gave a brief overview of the request and explained that the sales help businesses in the downtown area during the off-season.

Olga Emmer, resident, spoke in support of the proposed permit. She stated that frequents the downtown area and does not believe the sales have a negative impact to the aesthetics of the area. She noted that she has brought visitors to the sales and they enjoyed them.

A brief discussion took place regarding the applicant's various options. Mr. Ramos explained that a continuance could be requested or a decision made and the applicant could meet with staff after the meeting to discuss the possibility to request a variance. Mr. Pai chose to have a decision and move forward.

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, however, he was adding verbiage to Finding No. 1 noting that the sales are in compliance with the Downtown Specific Plan..

TEMPORARY USE PERMIT NO. 13-002 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) 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 15311 of the CEQA Guidelines, because the project consists of a temporary use of land appurtenant to an existing commercial facility that will have negligible or no permanent effects on the environment.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 13-002:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan designation of M-sp-d-pd (Mixed Use – specific plan overlay -design overlay – pedestrian overlay), the provisions of Chapter 241 of the Huntington Beach Zoning and Subdivision Ordinance, and the Downtown Specific Plan including the following policies:

LU 15.2.2: Require that uses in the Pedestrian overlay district be sited and designed to enhance and stimulate pedestrian activity along the sidewalks.

Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

LCP/DTSP: Main Street should be a lively, active commercial district at the street level. The first floor of developments along Main Street should be commercial, with open-air establishments encouraged.

The proposed use allows Huntington Surf & Sport to promote seasonal retail items on a temporary basis, which in turn helps to sustain the economic viability and promote pedestrian activity within the Downtown shopping district. The proposed sales area will be sited to maintain adequate clearance for pedestrian circulation and visibility.

2. Approval of the application for the proposed temporary use will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Proposed sales events will occur adjacent to the applicant's storefront and will be sited to prevent interference with use of the surrounding area. The temporary use permit is conditioned to ensure that adequate public, disabled, and emergency access will be maintained; and, to ensure that the operation and design is orderly and aesthetically pleasing fostering a family-friendly atmosphere.

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 13-002:

1. The site plan, floor plans, and elevations received and dated September 3, 2013 shall be the conceptually approved design, with the following modification: revise the plans to be in conformance with Section 3.2.25 of the Downtown Specific Plan including, among others, limiting the sidewalk sales area to a 15 ft. maximum depth perpendicular to the storefront.
2. Prior (10 days minimum) to commencement of the use each year, a schedule (dates) for temporary sidewalk sales events to occur in that year shall be submitted to the Planning Department for review and approval.
3. A Temporary Use Permit shall permit outdoor sales/display events subject to the following limitations:
 - a. Five (5) years maximum per permit.
 - b. Fifty (50) days maximum per calendar year.
 - c. Ten (10) consecutive days maximum.
4. The use shall comply with the following:
 - a. The outdoor sales area shall be entirely confined to private property. Any encroachment into the public right-of-way is prohibited.
 - b. The sales area shall be cordoned off along the property line with a minimum 36" high barrier with intermittent openings as necessary for customer access.
 - c. A four-foot wide clearance shall be maintained along the public sidewalk, adjacent to outdoor display areas.
 - d. A ten-foot wide clear path of travel shall be maintained along the public sidewalk, adjacent to outdoor display areas.
 - e. All required exits and access ways to the tenant space, as determined by the Building and Safety Department, shall be maintained clear and free of obstructions. The minimum required access width shall be 48 inches. Required pathways for patron and disabled access shall be maintained clear of obstructions.

- f. All overhead obstructions shall be a minimum of 80- inches above the walking surface.
 - g. Furniture pieces shall weigh less than 35 pounds each.
 - h. Where outdoor sales transactions are permitted, the store manager shall be responsible for ensuring that no more than five (5) customers are in the queue for the cash register at any time.
 - i. Sales to patrons in vehicles or in the public right-of-way shall be prohibited.
 - j. Line formations within the public right-of-way shall be prohibited.
 - k. Customers shall be prohibited from trying on clothing or other merchandise while in the public right-of-way.
 - l. Sales events, including associated furniture, structures, patron lines, etc., shall not in any way interfere with access to any commercial establishment.
 - m. All displays associated with outdoor sales events shall be maintained in an orderly, uncluttered and aesthetically pleasing condition, and present a family-friendly atmosphere.
 - n. All outdoor displays, associated furnishings and accessories, including but not limited to display tables, table cloths/skirts, cashier stations, canopies and employee uniforms, shall be color coordinated.
 - o. No sign(s) shall be posted outside of the designated display area or on the public art installation.
 - p. All display tables shall be skirted and all boxes and storage containers shall be concealed from view.
 - q. All signage shall be uniform per business in design, color(s), placement, etc. and professional in appearance.
 - r. After initial warnings, Code Enforcement staff may order immediate cessation of any temporary outdoor sales even operating in violation of the conditions of approval of the Temporary Use Permit.
5. Outdoor sales even dates shall be coordinated per calendar year to coincide with outdoor sale events of similar businesses along Main Street and Pacific Coast Highway.

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. 13-003 (HSS MAIN STREET OUTDOOR SALES)

APPLICANT: Aaron Pai, HSS, 300 PCH, Suite 104, Huntington Beach, CA 92648
PROPERTY OWNER: Adel Zeidan, 200 Pacific Coast Highway, Suite 103, Huntington Beach, CA 92648
REQUEST: To permit outdoor sidewalk sales on approximately fifty (50) days per year for a period of five (5) years from 2014 to 2018.
LOCATION: 126 Main Street, Suite 101, 92648 (southeast corner of Walnut Avenue and Main Street)
PROJECT PLANNER: Kristi Rojas

Kristi Rojas, Project 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 did not have questions for staff.

THE PUBLIC HEARING WAS OPENED.

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

Mark Bixby, Planning Commission Chair, inquired if staff could give a brief explanation as to the extra days allowed for the sidewalk sales in previous years. Ms. Rojas stated that extra days were a result of human error.

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.

TEMPORARY USE PERMIT NO. 13-003 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 15311 of the CEQA Guidelines, because the project consists of a temporary use of land appurtenant to an existing commercial facility that will have negligible or no permanent effects on the environment.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 13-003:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan designation of M-sp-d-pd (Mixed Use – specific plan overlay -design overlay – pedestrian overlay), the provisions of Chapter 241 of the Huntington Beach Zoning and Subdivision Ordinance, and the Downtown Specific Plan including the following policies:

LU 15.2.2: Require that uses in the Pedestrian overlay district be sited and designed to enhance and stimulate pedestrian activity along the sidewalks.

Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

LCP/DTSP: Main Street should be a lively, active commercial district at the street level. The first floor of developments along Main Street should be commercial, with open-air establishments encouraged.

The proposed use allows Huntington Surf & Sport to promote seasonal retail items on a temporary basis, which in turn helps to sustain the economic viability and promote pedestrian activity within the Downtown shopping district. The proposed sales area will be sited to maintain adequate clearance for pedestrian circulation and visibility.

2. Approval of the application for the proposed temporary use will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Proposed sales events will occur adjacent to the applicant's storefront and will be sited to prevent interference with use of the surrounding area. The temporary use permit is conditioned to ensure that adequate public, disabled, and emergency access will be maintained; and, to ensure that the operation and design is orderly and aesthetically pleasing fostering a family-friendly atmosphere

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 13-003:

1. The site plan, floor plans, and elevations received and dated September 3, 2013 shall be the conceptually approved design.
2. Prior (10 days minimum) to commencement of the use each year, a schedule (dates) for temporary sidewalk sales events to occur in that year shall be submitted to the Planning Department for review and approval.
3. A Temporary Use Permit shall permit outdoor sales/display events subject to the flowing limitations:
 - a. Five (5) years maximum per permit.
 - b. Fifty (50) days maximum per calendar year.
 - c. Ten (10) consecutive days maximum.
4. The use shall comply with the following:
 - a. The outdoor sales area shall be entirely confined to private property. Any encroachment into the public right-of-way is prohibited.
 - b. The sales area shall be cordoned off along the property line with a minimum 36" high barrier with intermittent openings as necessary for customer access.
 - c. A four-foot wide clearance shall be maintained along the public sidewalk, adjacent to outdoor display areas.
 - d. A ten-foot wide clear path of travel shall be maintained along the public sidewalk, adjacent to outdoor display areas.
 - e. All required exits and access ways to the tenant space, as determined by the Building and Safety Department, shall be maintained clear and free of obstructions.

The minimum required access width shall be 48 inches. Required pathways for patron and disabled access shall be maintained clear of obstructions.

- f. All overhead obstructions shall be a minimum of 80- inches above the walking surface.
 - g. Furniture pieces shall weigh less than 35 pounds each.
 - h. Where outdoor sales transactions are permitted, the store manager shall be responsible for ensuring that no more than five (5) customers are in the queue for the cash register at any time.
 - i. Sales to patrons in vehicles or in the public right-of-way shall be prohibited.
 - j. Line formations within the public right-of-way shall be prohibited.
 - k. Customers shall be prohibited from trying on clothing or other merchandise while in the public right-of-way.
 - l. Sales events, including associated furniture, structures, patron lines, etc., shall not in any way interfere with access to any commercial establishment.
 - m. All displays associated with outdoor sales events shall be maintained in an orderly, uncluttered and aesthetically pleasing condition, and present a family-friendly atmosphere.
 - n. All outdoor displays, associated furnishings and accessories, including but not limited to display tables, table cloths/skirts, cashier stations, canopies and employee uniforms, shall be color coordinated.
 - o. No sign(s) shall be posted outside of the designated display area or on the public art installation.
 - p. All display tables shall be skirted and all boxes and storage containers shall be concealed from view.
 - q. All signage shall be uniform per business in design, color(s), placement, etc. and professional in appearance.
 - r. After initial warnings, Code Enforcement staff may order immediate cessation of any temporary outdoor sales even operating in violation of the conditions of approval of the Temporary Use Permit.
5. Outdoor sales even dates shall be coordinated per calendar year to coincide with outdoor sale events of similar businesses along Main Street and Pacific Coast Highway.

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 3: CONDITIONAL USE PERMIT NO. 13-025 (JULZZ OF THE PACIFIC)

APPLICANT: Michael Adams, P.O. Box 382, Huntington Beach, CA 92648
PROPERTY OWNER: Seaciff Shopping Center, Inc., 18818 Teller Avenue, Suite 227, Irvine, CA 92612
REQUEST: To permit alcohol (beer and wine) sales, service, and consumption within a proposed 2,400 sq. ft. indoor eating and drinking establishment and approximately 360 sq. ft. proposed outdoor patio area enclosed with a 36 in. high metal railing.
LOCATION: 7041 Yorktown, Suite 104, 92648 (north side of Yorktown Avenue, between Goldenwest and Main Street)
PROJECT PLANNER: Kristi Rojas

Kristi Rojas, Project 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. Ms. Rojas noted that staff received one email in opposition of the proposed project citing concerns with alcohol sales being permitted so close to a high school and the extension of the restaurant into the sidewalk area.

Ricky Ramos, Zoning Administrator, verified that a 9 foot walkway was still in place. Staff verified that the walkway was 9 feet.

THE PUBLIC HEARING WAS OPENED.

Michael Adams, applicant noted that the railing height of 42" has not been the City standard in previous projects and he would like to keep the railing at 36". A brief discussion regarding the railing height took place. Mr. Ramos agreed to allow a range between 36" and 42" upon staff approval.

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. 13-025 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) WDAYS.

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 no expansion in the overall floor area of the existing commercial suite.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-025:

1. Conditional Use Permit No. 13-025 for the establishment, maintenance and operation of the alcohol (Type 41 ABC License - beer and wine) sales, service, and consumption within a proposed 2,400 sq. ft. indoor eating and drinking establishment and approximately 360 sq. ft. proposed outdoor patio area enclosed with a 36 in. high metal railing will not be

detrimental to the general welfare of persons working or residing in the vicinity. 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 enclosed outdoor dining patio area is located in front of a tenant space facing the shopping center parking lot area and has significant distance from any sensitive surrounding uses. The restaurant tenant is proposing patio railing to physically define the perimeter of the outdoor area and new outdoor dining furniture to provide a more comfortable dining experience for customers. Furthermore, adequate parking is provided on site and the proposed project is consistent with the Master Site Plan of the shopping center.

2. The conditional use permit will be compatible with surrounding uses because the subject tenant suite is located within Specific Plan area designated for mixed development that provides for a variety of uses. The proposed restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible with adjacent properties. The use is required to comply with conditions of approval pertaining to alcohol service and hours of operation to assure that any potential impacts to the surrounding properties is minimized.
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 approximately 360 square foot proposed outdoor dining patio area and alcohol sales and service conform to all setbacks, required parking, and other provisions of the Holly Seacliff Specific Plan and is consistent with the entitlement history of the subject site.
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 Mixed Use Horizontal 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 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.

B. Economic Development Element

Policy ED 2.4.1: Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The enclosed outdoor dining area with alcohol service within the front portion of the colonnade at the subject tenant suite will provide additional outdoor dining opportunities for customers. The subject shopping center currently features large outdoor dining areas located nearby on the property that are utilized by customers of multiple restaurants. To minimize potential impacts, related to the enclosed outdoor dining patio will only have one access, as required by the Huntington Beach Police Department. As conditioned, the service of beer and wine is not anticipated to result in negative impacts on surrounding businesses and adjacent properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-025:

1. The site plan, floor plans, and elevations received and dated August 14, 2013 shall be the conceptually approved design with the following modification: The height of the proposed railing for the outdoor dining area shall be subject to final approval by the Director of Planning and Building in coordination with the Police Department.
2. The sales and consumption of alcoholic beverages shall be permitted: Monday through Friday between 11:00 AM and 12:00 AM, and Saturday and Sunday between 8:00 AM and 12:00 AM.
3. Consumption of alcohol on the premises shall be limited to the conditions contained in the ABC Type 41 license (On Sale Eating Place – Beer and Wine).
4. The patio shall be for the sole use of Julzz of the Pacific customers to prevent alcohol from being easily handed from the dining area to the surrounding sidewalks and walkways where people may loiter. **(PD)**
5. The patio area shall have only one entry/exit point. If another entry/exit point is designed, it shall be designated as an emergency exit only. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
6. An employee shall maintain continuous supervision at all times of the patio area when the patio area is being utilized for the sales, service or consumption of alcoholic beverages. **(PD)**
7. All alcohol shall remain on the establishment's premises, including within outdoor dining areas. **(PD)**
8. 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)**
9. Dancing and live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City. **(PD)**
10. The establishment shall follow all conditions of the alcohol license issued by the California Department of Alcoholic Beverage Control, as well as all other relevant portions of the Huntington Beach Zoning and Subdivision Ordinance and Huntington Beach Municipal Code. **(PD)**
11. CUP No. 13-025 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.
12. 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 4: COASTAL DEVELOPMENT PERMIT NO. 13-008 (NGUYEN RESIDENCE)

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| APPLICANT: | Gaspar Dela Rosa, 8148 Orchid Drive, Eastvale, CA 92880 |
| PROPERTY OWNER: | Tinh Nguyen, 16651 Carousel Lane, Huntington Beach, CA 92649 |
| REQUEST: | To permit the demolition of an existing approximately 2,426 sq. ft. two-story residence and to construct a new approximately 4,373 sq. ft. two-story residence at a maximum height of 30 feet. This request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/ privacy issues, such as window alignments, building pad height, and floor plan layout.. |
| LOCATION: | 16651 Carousel Lane, 92649 (west side of Carousel Lane, near Wanderer Lane) |
| PROJECT PLANNER: | Kristi Rojas |

Kristi Rojas, Project 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 did not have any questions for staff.

THE PUBLIC HEARING WAS OPENED.

Gaspar Dela Rosa, applicant, stated that he had no comments or concerns with staff's recommendations.

Olga Emmer, resident, stated she was concerned with the size of the proposed structure.

Tinh Nguyen, property owner, stated that the footprint of the structure is not changing. A brief discussion took place regarding the proposed structure. Mr. Dela Rosa noted that the structure will be extended into the backyard.

Nathan Chin, resident, stated that his main concerns were with the proposed windows. Mr. Ramos noted that the windows complied with the City code and should not be an issue.

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. 13-008 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 15303. of the CEQA Guidelines, because the project consists of the construction of one single-family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-008:

1. Coastal Development Permit No. 13-008 for the demolition of an existing approximately 2,426 sq. ft. two-story residence and to construct a new approximately 4,373 sq. ft. two-story residence at a maximum height of 30 feet as proposed, conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low Density. The project is consistent with Coastal Element Policy C 1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing single-family residential developments.
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 the minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height 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 proposed single-family residence will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed residence will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-008:

1. The site plan, floor plans, and elevations received and dated August 13, 2013 shall be the conceptually approved design.
2. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties immediately adjacent to 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, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Building & Planning, 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. 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 10 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.
5. The final building permit cannot be approved until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - 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.
6. CDP No. 13-008 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 Division a minimum 30 days prior to the expiration date.
7. 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 5: CONDITIONAL USE PERMIT NO. 13-024 (BEACH CITY BREWERY ALCOHOL TASTING)

APPLICANT: Glenn Closson, Beach City Brewery,
PROPERTY OWNER: Weis Bueller LLC, 7631 Woodwind Drive, Huntington Beach, CA 92647
REQUEST: To permit an approximately 420 sq. ft. beer tasting area (Type 23 ABC License) within a proposed micro-brewery/manufacturing use.
LOCATION: 7631 Woodwind Drive, Unit B, 92647 (north side of Woodwind Drive, between Sampson Lane and Jamestown Lane)
PROJECT PLANNER: Ethan Edwards

Ethan Edwards, Project 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 did not have any questions for staff.

THE PUBLIC HEARING WAS OPENED.

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

Marcus Kemmerer, architect, stated that the proposed project will primarily be an industrial use.

A brief discussion regarding the hours of operation took place. Mr. Ramos noted that he would modify the hours as the applicant requested.

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. 13-024 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 industrial building.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-024:

1. Conditional Use Permit No. 13-024 for the establishment, maintenance and operation of an approximately 420 sq. ft. beer tasting area (Type 23 ABC License) within a proposed micro-brewery/ manufacturing use 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 use is not anticipated to generate noise, traffic, parking or other impacts detrimental to surrounding properties and inconsistent with the subject property's industrial zoning. The site is entirely surrounded by industrial uses and the nearest residential use is approximately 550 ft. to the east. The consumption of alcoholic beverages will be for sampling purposes only and be contained within a delineated tasting area inside the micro-brewery.
2. The conditional use permit will be compatible with surrounding uses because the onsite consumption of alcoholic beverages will be ancillary to a proposed micro-brewery/ manufacturing use and will occur entirely within the interior of an industrial building.
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 use in the district in which it is located. The proposed micro-brewery/ manufacturing use with beer tasting area conforms to applicable site development requirements including minimum setbacks, minimum landscaping, and minimum onsite parking. The onsite consumption of alcoholic beverages is permitted within the IG (Industrial General) zoning district with the approval of a conditional use permit.
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 Industrial on the subject property. In addition, it is consistent with the following objectives and policy of the General Plan:

A. Land Use Element

Objective LU 12.1: Provide for the continuation of existing and the development of additional industrial uses that capitalize upon the existing and emerging types of industries, offer opportunities for the clustering of key economic sectors, and maintain the character and quality of the City.

Policy LU 12.1.1: Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales areas for manufactures and photocopy stores), restaurants, financial institutions, and similar uses in areas designated on the Land Use Plan Map in accordance with Polity LU 7.1.1.

B. Economic Development Element

Objective ED 2.2.3: Promote Huntington Beach businesses to increase visibility and local patronage.

The proposed beer tasting will be ancillary and incidental to a proposed micro-brewery/ manufacturing use. The proposed use will market its product to local residents and residents in the surrounding region, thereby expanding business visibility and patronage. Based upon the operational conditions imposed, the beer tasting is not anticipated to result in negative impacts on adjacent properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-024:

1. The site plan received and dated August 8, 2013 and revised floor plan received and dated September 11, 2013 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The onsite service and consumption of alcoholic beverages shall be permitted between the hours of 12:00 PM (noon) and 10:00 PM every day of the week.
 - b. The onsite service and consumption of alcoholic beverages shall be limited to the designated tasting area. All persons under 21 years of age are prohibited in the tasting area during tasting events. **(PD)**
 - c. Dancing and live entertainment shall be prohibited without the approval of a Conditional Use Permit and Entertainment Permit. **(PD)**
 - d. The onsite service and consumption of alcoholic beverages shall be limited to the conditions contained in the Alcoholic Beverage Control Board (ABC) Type 23 License (Small Beer Manufacturer). **(PD)**
 - e. All persons serving alcohol shall have completed LEADS alcohol safety training through the Alcohol Beverage Control (ABC). **(PD)**
 - f. A clearly legible sign shall be affixed inside the tasting area entrance stating "No open alcoholic beverages will be permitted outside the tasting area". **(PD)**
 - g. Serving sizes shall be limited to 4-ounce samples of beer (as defined by §23006 of the California Business and Professions Code). **(PD)**
 - h. Only samples provided by the business shall be allowed. **(PD)**
 - i. Prior to the service of alcoholic beverages, a copy of the ABC license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. CUP No. 11-024 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.
4. 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>).

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THE MEETING WAS ADJOURNED AT 2:23 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 6, 2013, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:jd