

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

WEDNESDAY, OCTOBER 19, 2011 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jill Arabe, Andrew Gonzales, Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 11-017 (MIKE THAI BROS. BISTRO ALCOHOL)

APPLICANT: Michael Cho, c/o Bernard & Associates
PROPERTY OWNER: Huntington Beach No. 2, LP c/o Watt Management Co., 2716 Ocean park Blvd., Suite No. 3040, Santa Monica, CA 90405
REQUEST: To permit the onsite sales, service, and consumption of alcohol within an existing 1,200 sq. ft. eating and drinking establishment.
LOCATION: 8935 Atlanta Avenue, 92646 (northwest corner at Magnolia St.)
PROJECT PLANNER: Jill Arabe

Jill Arabe, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use 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.

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

THE PUBLIC HEARING WAS OPENED.

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

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. 11-017 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves no expansion in the overall floor area of an existing restaurant use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-017:

1. Conditional Use Permit No. 11-017 for the onsite sales, service, and consumption of alcohol within an existing 1,200 sq. ft. eating and drinking establishment 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 subject tenant space is located approximately 35 ft. from the nearest residential property to the north. Residential uses are buffered from the restaurant by a drive aisle, minimum 6 ft. high perimeter blockwall, and landscaping. The restaurant's entrance door is located along the south of the building facing the parking lot, which is oriented away from nearby residences. Alcohol consumption will be limited to the interior of the business and based upon the conditions imposed is not anticipated to generate additional noise, traffic, and safety impacts beyond which already exists in the surrounding area. No additional parking is required for the use. The proposed use will operate in conjunction with an eating and drinking establishment.
2. The conditional use permit will be compatible with surrounding uses because the onsite sales, service, and consumption of alcohol will be ancillary to an existing restaurant use and occur within the interior of the restaurant during business hours similar to other commercial uses within the vicinity. The restaurant is located within an existing multi-tenant commercial shopping center and consistent with adjacent uses, which serve nearby residents and visitors.
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 restaurant with alcohol sales is located within an existing commercial center and complies with minimum on-site parking requirements. Alcohol sales are permitted in the CG (Commercial General) zoning district subject to 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 Commercial General (CG) on the subject property. In addition, it is consistent with the following objectives 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 conditional use permit is ancillary to an existing restaurant use and will allow for the expansion of services to local residents and residents in the surrounding region. It is consistent with existing commercial uses in the center, which include service and retail uses. The restaurant is not anticipated to result in negative impacts on adjacent properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-017:

1. The site plan and floor plan received and dated July 29, 2011 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The sales and consumption of alcoholic beverages shall be permitted between the following hours:
 - i. Sunday: 11:00 AM and 10:00 PM
 - ii. Monday–Saturday: 11:00 AM and 11:00 PM
 - b. All exterior doors shall be closed by 8:00 PM.
 - c. Food from the regular menu shall be available during regular business hours up until at least one hour prior to the scheduled closing time. **(PD)**
 - d. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for offsite consumption shall be prohibited. **(PD)**
 - e. A sign shall be clearly posted identifying that alcoholic beverages are not allowed outside the confines of the restaurant. **(PD)**
 - f. All alcoholic beverages shall be served in clearly identifiable and distinctive glasses, which are different from those containing non-alcoholic beverages. **(PD)**
 - g. All areas to be utilized for the sales, service and consumption of alcoholic beverages shall be sufficiently illuminated to allow for the clear identification of patrons. **(PD)**
 - h. Dancing and entertainment without the approval of a conditional use permit shall be prohibited. **(PD)**
 - i. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (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.
 - j. The use conditions listed herein shall be clearly posted on the premises at all times.

3. CUP No. 2011-017 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.

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. 11-019 (LUTHERAN CHURCH OF THE RESURRECTION COLUMBARIUM – CONTINUED FROM THE OCTOBER 5, 2011 MEETING)

APPLICANT: Leonard Bekemeyer, Len Bekemeyer & Associates
PROPERTY OWNER: Lutheran Church of the Resurrection, c/o Sue Taylor, 2970 Hamilton Avenue, Huntington Beach, CA 92646
REQUEST: To permit the construction and maintenance of two approximately 20 sq. ft., 10 ft. 6 in. high outdoor columbariums to be located within the courtyard area of an existing church facility.
LOCATION: 9812 Hamilton Avenue, 92646 (west of Brookhurst Street, south side of Hamilton Avenue)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use 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. Gonzales stated that staff had not received any public comments related to the proposed project.

THE PUBLIC HEARING WAS OPENED.

Leonard Bekemeyer, applicant, stated that he had no comments or concerns with staff's recommended conditions.

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. 11-019 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS. 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 involves the negligible expansion of an existing use involving the construction of minor structures that are accessory to the existing church facility.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-019:

1. Conditional Use Permit No. 11-019 for the construction and maintenance of two approximately 20 sq. ft., 10 ft. 6 in. high outdoor columbariums to be located within the courtyard area of an existing church facility 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 columbariums are intended to be located along the easterly elevation of the sanctuary building within the courtyard of the church. The courtyard is partially screened by buildings of the church facility, which will result in the columbariums not being directly visible from public view. The columbariums are intended to hold the cremated remains of members of the congregation. Cremation activities will take place at an offsite location. The placement of niches within each columbarium will not be accompanied by a public ceremony and based upon the project scope is not anticipated to generate additional noise, lighting, traffic, and safety impacts beyond which already exists in the surrounding area. No additional parking is required for the use.
2. The conditional use permit will be compatible with surrounding uses because the construction and maintenance of two columbariums will serve as an ancillary use to an existing church facility. The columbariums will be located within two alcove areas located on the eastside of the sanctuary building within the courtyard of the church. The columbariums will be designed to match the design, colors, and materials utilized on the surrounding buildings. The columbariums will serve as an area for reflection and meditation which will compliment the existing onsite uses.
3. The proposed conditional use permit will comply with the provisions of the base zoning district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The two columbariums will be located on a site containing a religious assembly use and will comply with minimum setbacks, maximum building height, and minimum onsite parking requirements. Columbariums are permitted as an accessory use to an existing religious assembly use within the PS (Public-Semipublic) zoning district subject to 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 Public on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

Objective LU 9.4: Provide for the inclusion of recreational, institutional, religious, educational and service uses that support resident needs within residential neighborhoods

Policy LU 9.4.1: Accommodate the development of parks, sports facilities, schools, libraries, community meeting facilities, religious facilities, and similar community-serving uses in all residential areas, provided that they are compatible with adjacent residential uses and subject to review and approval by the City and other appropriate agencies.

Objective LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental administrative, public safety, human service, cultural, educational, infrastructure, religious, and other uses that support the needs of existing and future residents and businesses.

Policy LU 13.1.2: Allow for the continuation of existing and development of new religious facilities in any land uses zone where they are compatible with adjacent uses and subject to the City review and approval.

The proposed columbariums are consistent with the General Plan objectives and policies by advocating the inclusion of religious uses that support resident needs in the City and surrounding region. Lutheran Church of the Resurrection will provide a basic public necessity for the interment of family members and loved ones and is consistent with the General Plan designation of Public on the subject property.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO 11-019:

1. The site plans and elevations received and dated September 29, 2011, shall be the conceptually approved design with the modification that the columbarium growth option shall be depicted on the site plan(s) with all affiliated courtyard improvements.
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.
 - 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.
3. During 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.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
4. The final building permit(s) 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 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.
5. CUP No. 11-019 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.
6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:41 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 2, 2011, AT 1:30 PM.

R Ramos

Ricky Ramos
Zoning Administrator

RR:jd