

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

WEDNESDAY, September 24, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jill Arabe, Rami Talleh, Kimberly De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2008-031 (CHIPOTLE RESTAURANT)

APPLICANT: Elizabeth Valerio, 5858 Wilshire Blvd #203, Los Angeles, CA 90036
PROPERTY OWNER: Danni Sun, 19 Harbor Pointe, Corona Del Mar, CA 92625
REQUEST: To permit the sale of alcoholic beverages within a previously approved 1,800 sq. ft. restaurant.
LOCATION: 16241 Beach Boulevard, 92647 (northwest corner of Beach Boulevard and Holt Drive)
PROJECT PLANNER: Jill Arabe

Jill Arabe, Planning Aide, displayed project plans and photographs and stated the purpose, location, and zoning of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Ms. Arabe stated that staff received no public comments.

Mr. Ramos asked if suggested Condition of Approval No. 2 (a) was received from the Police Department. Ms. Arabe confirmed that it was. Mr. Ramos indicated that this should be specified at the end of Condition 2(a).

THE PUBLIC HEARING WAS OPENED.

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

Mr. Ramos stated that he agreed with the staff recommended findings and conditions and found the request to be compatible with the surrounding area. Mr. Ramos stated that the request was approved as recommended by staff.

CONDITIONAL USE PERMIT NO. 2008-031 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 negligible or no expansion of use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-031:

1. Conditional Use Permit No. 2008-031 for the establishment of onsite sale and consumption of alcoholic beverages within a previously approved 1,800 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, or other impacts detrimental to surrounding property 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 entrances to the restaurant are oriented toward the streets and adjacent commercial use.
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 developed with similar commercial uses.
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. The restaurant use complies with the minimum required on-site parking.
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 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, 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. 2008-031:

1. The site plan, floor plans, and elevations received and dated June 25, 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. Only the uses described in the narrative dated June 25, 2008, shall be allowed, unless otherwise indicated per conditions of approval.
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.

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: COASTAL DEVELOPMENT PERMIT NO. 2008-013 (DOG BEACH CANOPIES & STORAGE CONTAINER)

APPLICANT: City of Huntington Beach Community Services Department, 2000 Main Street, Huntington Beach, CA 92648

PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

REQUEST: To permit a) three 100 sq. ft., 10 ft. 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 (south side of Pacific Coast Highway, between Goldenwest Street and Seapoint Street)

PROJECT PLANNER: Jill Arabe

Jill Arabe, Planning Aide, displayed project plans and photographs and stated the purpose, location, and zoning of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

However, Ms. Arabe stated that staff is concerned with the size and design of the storage container and recommended that the container be removed. She stated that the container was not aesthetically compatible with the beach and other coastal resources. Furthermore, she stated that storage is not permitted in the base zoning district as a primary use. Ms. Arabe stated that staff recommended approval of the canopies, noting that they were consistent with the surrounding uses and similar in nature to the concession stands within the tourist area and would not impede public access. Ms. Arabe indicated that staff had received no public comments on this item.

THE PUBLIC HEARING WAS OPENED.

Dave Dominguez, applicant, stated that the item had gone before the Design Review Board, which recommended that the storage container would be acceptable for short term usage. He stated that the storage container was needed to contain refuse bags, as well as the canopies, if approved. He noted that staff currently drives up the beach access road to distribute refuse bags and that the storage container would be used to store bicycles for the volunteer workers to use instead of motor vehicles, which would benefit public safety. He stated that the storage container would not be visible from Pacific Coast Highway and that he would be willing to explore landscaping possibilities. Mr. Dominguez presented photographs of a similar structure with landscaping located at Shipley Nature Center.

Mr. Dominguez stated that Dog Beach would be difficult to operate without the storage container. He stated that the Community Services Department and the Marine Safety Division do not expect impacts to the beach. Mr. Dominguez indicated that he would explore plans for a permanent structure but asked that the storage container be allowed on a temporary basis.

Mr. Ramos asked if a more attractive structure option was available. Mr. Dominguez indicated that more time would be needed to prepare a proposal for that type of structure. He noted that storage bins of a similar nature had been permitted historically.

Mr. Dominguez requested that the storage container be permitted on a temporary basis, in order to assist volunteers at Dog Beach, while a proposal for a more aesthetically pleasing, permanent structure is prepared.

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

Mr. Ramos asked staff for a summary of the Design Review Board comments on the request. Ms. Arabe stated that the Design Review Board was agreeable to the storage container being placed in the location on a temporary basis subject to approval from the Zoning Administrator. Mr. Ramos asked if there was a specific time frame intended. Ms. Arabe stated that a six month time period was mentioned but not agreed upon.

Mr. Ramos indicated that he would not approve the storage container on a permanent basis. He asked Mr. Dominguez if a six month time frame would be sufficient to prepare a request for a permanent structure. Mr. Dominguez indicated that a plan could be submitted but that the cost of the project may be prohibitive.

Mr. Ramos inquired about specifics of a possible permanent structure. Mr. Dominguez indicated that they have looked into modular structures similar to the beach restrooms proposed in the area.

Mr. Ramos asked if a storage building could be incorporated into one of the proposed restroom sites. Mr. Dominguez indicated that the possibility had been explored but that the square footage of the nearest location would not allow for the inclusion of a storage room. He also indicated that there could be legal concerns with that approach.

Mr. Ramos indicated that he was agreeable to allowing the storage container placement for a period of six months. He indicated that the issue could also be continued to another meeting to allow for time to prepare a different proposal. Mr. Ramos indicated that there was a possibility of allowing the storage container while an alternate design was prepared but noted that the alternate design would need to go before the Design Review Board.

Mr. Ramos asked staff when the mandatory processing time for the request was. Ms. Arabe indicated that October 7, 2008 was exactly two months from when the request was deemed complete.

Mr. Talleh stated that the Design Review Board had made the recommendation to the Zoning Administrator to deny the project or approve it on a temporary basis. He noted that it was within the Zoning Administrator's purview to approve the project with whatever changes are necessary. He indicated that it was acceptable, but not necessary, to send the request back through the Design Review Board. Mr. Talleh stated that the next two Design Review board meetings would be on October 9, 2008 and November 13, 2008.

Mr. Ramos continued the storage container to the November 19, 2008 meeting, with the condition that the design be submitted to the Design Review Board. Mr. Ramos stated that he would approve the canopies as recommended by staff with a modification to condition 3.

COASTAL DEVELOPMENT PERMIT NO. 2008-013 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 the placement of minor structures in generally the same locations from time to time in a facility designed for public use.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-013 (TO PERMIT THREE 100 SQ. FT., 10 FT. TALL CANOPIES):

1. Coastal Development Permit No. 2008-013 for three 100 sq. ft., 10 ft. tall canopies conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following Coastal Element Land Use Policies:
 - C 3.2.1: Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.
 - C 2.5.1: Require that existing public access to the shoreline and Huntington Harbour waterways be maintained and enhanced, where necessary and feasible, not withstanding overriding safety, environmental or privacy issues.
 - C 4.7.6: Ensure beaches and associated facilities are clean and litter free.

The proposed canopies will be staffed with volunteers and workers of the Preservation Society of Huntington Dog Beach. The staff will hand out literature and inform the public of the rules and regulations of Dog Beach. Additionally, they will maintain the area and stock clean up bags at the dispensers. The canopies will be located at three designated areas along Dog Beach. Merchandise purchased and donations received will be used for the maintenance of Dog Beach. The canopies will be set-up and taken down daily, maintaining public access and views to coastal resources.
2. The proposed canopies are consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed structures are not permanent. The canopies will be set-up and taken down on a daily basis. The structures will be located outside of pedestrian paths and not encroach into setbacks.
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. All infrastructure exists for the proposed use that is consistent with the Huntington Beach Coastal Element.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. All public access to the beach will remain.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-013 (TO PERMIT THREE 100 SQ. FT., 10 FT. TALL CANOPIES):

1. The site plan, floor plans, and elevations received and dated July 8, 2008 shall be the conceptually approved design.
2. Only the uses described in the narrative dated July 8, 2008 shall be allowed, unless otherwise indicated per conditions of 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 1:57 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, OCTOBER 1, 2008 AT 1:30 PM.

R. Ramos

Ricky Ramos
Zoning Administrator

:kdc