

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

WEDNESDAY, APRIL 11, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Herb Fauland, Acting Zoning Administrator

STAFF MEMBER: Andrew Gonzales, Tess Nguyen, Rami Talleh,
Jeanie Cutler (recording secretary), Judy Demers,

MINUTES: March 28, 2007
CONTINUED TO THE APRIL 25, 2007 MEETING

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2007-006 (ALPINE VILLAGE RESTAURANT):

APPLICANT: Corrie Kates, Foothill Project Management, P.O. Box 4403, Costa Mesa, CA 92626-4403

PROPERTY OWNER: Paul Thuan Hieu Huynh, 411 Delaware Street, Huntington Beach, CA 92648

REQUEST: To allow the establishment of a restaurant with onsite sale and consumption of alcoholic beverages.

LOCATION: 7561 Center Avenue, Unit No. 53 (north side of Center Avenue, between Gothard Street and Huntington Village Lane)

PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. Staff stated that no inquiries were received in response to the public notification.

Herb Fauland, Acting Zoning Administrator, asked staff about prior uses of the current project. Staff confirmed prior use was a sit-down restaurant with alcohol sales. Staff also confirmed that the Police Department reviewed the project and did not have any comments or concerns.

THE PUBLIC HEARING WAS OPENED.

Corrie Kates, applicant, described the project as a California, bistro style, sushi restaurant. He stated that the owner is currently working with the Alcoholic Beverage Control Board (ABC) to obtain an alcohol license; working with the Health Department to meet the current equipment standards, and the City's Planning, Public Works, and Building & Safety departments to meet all code requirements. Mr. Kates, stated the restaurant hours of business are Sunday through Wednesday 10:00am to 12 noon and Thursday through Saturday 10:00am to 1:30am. The applicant offered his availability to answer any questions.

Mr. Kates indicated that he had read and understood the Conditions of Approval and is willing to abide by them.

Roy Smith, 7561 Center Avenue, #50, neighboring property owner, spoke in opposition to the project stating his concerns related to the noise and excessive number of businesses serving alcoholic beverages in the area. He felt that a sushi restaurant did not fit with the original intent for Old World Village which is German themed.

Mr. Kates, stated that the name of the restaurant had yet to be confirmed, however it would not be "Alpine Village."

Seygi Smith, 7561 Center Avenue, #34, neighboring property owner, spoke in opposition to the project stating her concerns related to an excess of businesses serving alcohol in the area, the late hours of operation and safety issues. Ms. Smith stated that the previous restaurant owner closed at 10:00 p.m.

Jeff Adachi, 7561 Center Avenue, #11, neighboring business owner, spoke in favor of the project and welcomed an alternative menu choice to the village. He stated the restaurant was not focused on alcohol service and felt that the opposition to the project may be a racially motivated. Mr. Adachi expressed that the restaurant is located in an area where noise will not be an issue.

Ms. Smith, stated her concern with the project was not racially motivated. She indicated she was concerned with alcohol sales and the hours of operation. Ms. Smith stated that she is oriental herself and loves oriental food.

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

Mr. Fauland summarized that the Police Department had reviewed this request and they had no comments. He also stated that the City does not have a policy prohibiting over-concentration of establishments selling alcoholic beverages within the City.

The Zoning Administrator stated that the prior use was a sit-down restaurant with the ability to serve beer and wine for their patrons and all the evidence presented suggests that this facility is not just a bar but a restaurant that will provide a sit-down atmosphere for diners. Mr. Fauland stated that the issue of whom the proprietor is, or the type of food served is not germane to this discussion. He stated that the request is consistent with the zoning and the prior use of the property and therefore would approve the Conditional Use Permit No. 2007-006 with the findings and suggested conditions of approval recommended by staff.

CONDITIONAL USE PERMIT NO. 2007-006 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of minor alterations to a commercial suite within an existing shopping center.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-006

1. Conditional Use Permit No. 2007-006 to allow the establishment of a restaurant with onsite sale and consumption of alcoholic beverages 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 restaurant with alcohol sales will not generate noise, traffic, demand for parking, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. The site provides the necessary parking to accommodate the proposed use. The adjacent residential development to the north will be adequately buffered from the proposed restaurant by a fifteen (15) foot building setback including a three (3) foot wide landscaping planter. In addition, the storefront and main entrance of the restaurant is orientated away from residential units.
2. The conditional use permit will be compatible with surrounding uses because the proposed restaurant will be located within an established mixed-use (residential/ commercial) development containing similar and complimentary uses. No residential units are located above the restaurant.
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. Alcohol sales are permitted in the SP1 (North Huntington Center Specific Plan) zone, subject to conditional use permit approval.
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 M-sp (Mixed Use-Specific Plan Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
 - b. LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City and capitalize on Huntington Beach's recreational resources.

The requested conditional use permit will accommodate to existing development by allowing the establishment of a restaurant with alcohol sales. 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. 2007-006

1. The site plan, floor plans, and elevations received and dated February 5, 2007, shall be the conceptually approved design.
2. 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 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. 2007-002 (PALMER RESIDENCE)

APPLICANT: Karen Otis, 16871 Sea Witch Lane, Huntington Beach, CA 92649
PROPERTY OWNER: Frank and Maria Palmer, 4101 Morning Star Drive, Huntington Beach, CA 92649
REQUEST: To permit a 639 sq. ft. second story addition and a 163 sq. ft. balcony to an existing two-story single family residence.
LOCATION: 4101 Morning Star Drive (north side of Morning Star Drive at Edgewater Lane)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary. Staff stated that the project was approved by the Huntington Harbor Home Owners Association and recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. Staff stated that no letters or phone calls were received in response to the public notification.

THE PUBLIC HEARING WAS OPENED.

Roxane Rojas, representative for the applicant, confirmed that she had reviewed the Conditions of Approval and was willing to abide by them.

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

COASTAL DEVELOPMENT PERMIT NO. 2007-002 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 15301 of the CEQA Guidelines, because the project consists of an addition less than 50% of the existing single-family home.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-002:

1. Coastal Development Permit No. 2007-002 for the construction of a 639 sq. ft. second story addition and a 163 sq. ft. balcony to an existing two-story single family residence conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a previously developed site, contiguous to existing residential development.
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, including maximum site coverage, maximum building height, minimum yard setbacks, and minimum on-site parking.
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 addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-002:

The site plan, floor plans, and elevations received and dated February 27, 2007 shall be the conceptually approved design.

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 2:05 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, APRIL 18, 2007 AT 1:30 PM.

Herb Fauland,
Acting Zoning Administrator

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