



ACTION AGENDA
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 – Lower Level - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, SEPTEMBER 24, 2008, 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos
STAFF MEMBERS: Jill Arabe, Rami Talleh, Kimberly De Coite (recording secretary)
MINUTES: **NONE**
ORAL COMMUNICATION: **NONE**

SCHEDULED ITEMS:

1. PETITION DOCUMENT: CONDITIONAL USE PERMIT NO. 2008-031 (CHIPOTLE RESTAURANT)
APPLICANT: Elizabeth Valerio, 5858 Wilshire Blvd #203, Los Angeles, CA 90036
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
STAFF RECOMMENDS: Approval based upon suggested findings and conditions for approval.

APPROVED WITH FINDINGS AND CONDITIONS OF APPROVAL

2. PETITION DOCUMENT: COASTAL DEVELOPMENT PERMIT NO. 2008-013 (DOG BEACH CANOPIES & STORAGE CONTAINER)
APPLICANT: City of Huntington Beach, Community Services Department
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
STAFF RECOMMENDS: Approval based upon suggested findings and conditions for approval.

A) REQUEST TO PERMIT THREE 100 SQ. FT., 10 FT. TALL CANOPIES APPROVED WITH FINDINGS AND CONDITIONS OF APPROVAL

B) REQUEST TO PERMIT ONE 160 SQ. FT., 8.5 FT. TALL STORAGE CONTAINER CONTINUED TO THE NOVEMBER 19, 2008 MEETING AT THE APPLICANT'S REQUEST

AGENDA (continued)

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty Nine Dollars (\$1569.00) if the appeal is filed by any other party. The appeal shall be submitted to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action or ten (10) working days for a coastal development permit.

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Planning Aide
DATE: September 24, 2008

SUBJECT: **CONDITIONAL USE PERMIT NO. 2008-031 (CHIPOTLE RESTAURANT)**

LOCATION: 16241 Beach Boulevard, 92647 (northwest corner of Beach Boulevard and Holt Drive)

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.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CG-FP2 (Commercial General – Flood Plain 2)

General Plan: CG-F2-a (Commercial General – 0.50 FAR – Auto district overlay)

Existing Use: Restaurant Under Construction

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED 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.

SUGGESTED 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.

SUGGESTED 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.

- 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:

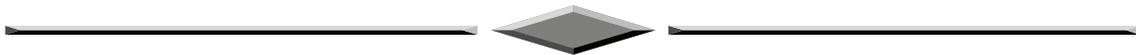
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, 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.

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Planning Aide
DATE: September 24, 2008

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

LOCATION: Dog Beach (south side of Pacific Coast Highway, between Goldenwest Street and Seapoint Street)



Applicant: City of Huntington Beach, Community Services Department

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.

Environmental Status: This request is covered by Categorical Exemption, Section 15311, Class 11, California Environmental Quality Act.

Zone: OS-S (Open Space – Shoreline Subdistrict)

General Plan: OS-S (Shore)

Existing Use: Open space



RECOMMENDATION: Staff recommends the following:

- A) Denial of the 160 sq. foot, 8.5 tall storage container with findings for denial, and
- B) Approval of three 100 sq. ft, 10 ft. tall canopies with findings and conditions of approval

SUGGESTED 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.

SUGGESTED FINDINGS FOR DENIAL – COASTAL DEVELOPMENT PERMIT NO. 2008-013 (TO PERMIT ONE 160 SQ. FT., 8.5 FT. TALL STORAGE CONTAINER):

1. Coastal Development Permit No. 2008-013 for one 160 sq. ft., 8.5 ft. tall storage container does not conform with the General Plan, including the Local Coastal Program. The project is inconsistent with the following Coastal Element Land Use Policies:

C 4.1.1: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas.

C 4.2.1: Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate:

a) Preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands.

b) Adequate landscaping and vegetation.

c) Evaluation of project design regarding visual impact and compatibility.

C 4.2.2: Require that the massing, height, and orientation of new development be designed to protect public coastal views.

The storage container is not a compatible use along the coast because of its mass and bulk. The size of the storage use is not suitable for this area. The location of the storage container is visible along the service road and various areas along the pedestrian/bike path. It will not be appropriately and sufficiently screened from public views and will not provide an aesthetically attractive addition along the designated scenic corridor.

2. The proposed storage container is not consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The storage container as a primary use is not permitted in the Open Space-Shoreline zone and does not comply with the Coastal Zone Overlay District. The structure is located within a landscaped area along a service road, in a manner that does not visually preserve coastal resources or public access.
3. The development does not conform with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The storage use does not provide a recreational benefit to coastal resources. The container is not designed to enhance public access as it is located along a service road, which visitors may use to access the beach. The bulk size of the container does not blend in with the topography of the coastal area.

SUGGESTED FINDINGS OF 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 and Coastal Land Use Plan of the General Plan.
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.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-013:

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.