

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

**WEDNESDAY, February 11, 2009 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

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

**MINUTES:** June 25, 2008  
October 1, 2008  
October 15, 2008  
October 29, 2008  
November 19, 2008  
December 3, 2008  
**APPROVED AS SUBMITTED**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2008-027 (CHAO ADDITION)**

**APPLICANT:** Warren Pitt, project architect  
**PROPERTY OWNER:** Rho Chao, 4930 Shelburne Drive, Huntington Beach, CA 92649  
**REQUEST:** To permit the construction of an approximately 700 sq. ft. first and second story addition to an existing 2,300 sq. ft. two-story attached townhouse for a total building area of approximately 3,000 sq. ft.  
**LOCATION:** 3426 Windspun Drive, 92649 (south side of Windspun Drive, west of Trinidad Lane – Huntington Harbour)  
**PROJECT PLANNER:** Jill Arabe

Jill Arabe, Assistant 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.

Ms. Arabe stated that no public comments had been received.

Mr. Ramos confirmed with staff that the addition would match the existing structure in terms of color and materials.

**THE PUBLIC HEARING WAS OPENED.**

Warren Pitt, applicant, stated that he was in agreement with the findings and conditions of 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 project as recommended by staff.

**COASTAL DEVELOPMENT PERMIT NO. 2008-027 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 15301 of the CEQA Guidelines, because the project involves an addition to an existing structure with less than 50% expansion of the existing floor area.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-027:**

1. Coastal Development Permit No. 2008-027 for the development project, as proposed conforms with the General Plan, including the Local Coastal Program. The proposed project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The project consists of a minor addition to an existing dwelling in an existing Planned 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. The project complies with all applicable development regulations, including maximum building height, minimum yard setbacks, and maximum site coverage.
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 roadways.
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. 2008-027:**

1. The site plan, floor plans, and elevations received and dated December 12, 2008 shall be the conceptually approved design.
2. 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 Planning Department 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. 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/index.cfm?fuseaction=guidelines>).

### **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. 2008-053 (MR. KEGS STORE)**

APPLICANT:	Jim Schaffer, business owner
PROPERTY OWNER:	Warner Springdale, LLC, 16101 Goldenwest Street, Huntington Beach, CA 92647
REQUEST:	To permit the establishment of a 2,747 sq. ft. retail store devoted to the sales, display, and storage of alcoholic beverages (more than 10% of the floor area).
LOCATION:	5914 Warner Avenue, 92649 (southwest corner of Springdale Street and Warner Avenue)
PROJECT PLANNER:	Jill Arabe

Jill Arabe, Assistant 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.

Ms. Arabe stated that the Police Department suggested an additional condition of approval, requiring that a phone jack be installed in the coolers.

Ms. Arabe stated that no public comments had been received.

Mr. Ramos noted that the business is currently located on Beach Boulevard and asked if there were any additional conditions of approval from the original Conditional Use Permit that had not been carried over to the new request. Ms. Arabe stated that all conditions from the original Conditional Use Permit had been incorporated into the conditions of approval for the new request.

Mr. Ramos asked staff for the hours of operation. Ms. Arabe stated that the hours of operation would be nine a.m. to 10 p.m. daily.

Mr. Ramos confirmed with staff that there were no code enforcement issues at the current business location.

**THE PUBLIC HEARING WAS OPENED.**

Jim Schaffer, applicant, stated that he had no comments or concerns.

Mr. Ramos asked if Mr. Schaffer had reviewed the additional Police Department condition and had any concerns. Mr. Schaffer indicated that he had no concerns and asked if the additional condition would be included in the Conditional Use Permit. Mr. Ramos stated that it would be.

**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 information provided, he would approve the request as recommended by staff with minor changes to the findings and stated that Police Department conditions would need to be met prior to the issuance of a certificate of occupancy. Mr. Talleh clarified that all three Police Department conditions should be listed under the heading of "Prior to issuance of a Certificate of Occupancy".

**CONDITIONAL USE PERMIT NO. 2008-053 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED 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 minor alterations to an existing tenant suite with negligible or no expansion of the existing commercial center.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-053:**

1. Conditional Use Permit No. 2008-053 for the establishment of a 2,747 sq. ft. retail store devoted to the sales, display, and storage of alcoholic beverages (more than 10% of the floor area) 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 will contribute to the viability of the commercial center by attracting customers and generating lease revenue, thus improving the value of property in the neighborhood. The proposed facility will not generate noise, traffic, and demand for parking or other impacts at levels inconsistent with the commercial zoning applicable to the property. Furthermore, the residential uses to the south are buffered by an existing six ft. tall block wall and separated by an approximately 50 ft. setback.

2. The conditional use permit will be compatible with surrounding uses because the proposed retail establishment will operate within a commercial center with sufficient parking capacity, in a suite adequately buffered from residential uses to ensure no detrimental impact. The sale of alcoholic beverages for off-site consumption will be limited to the interior of the building. The retail store is located along a primary arterial 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. The proposed retail establishment is permitted in the CG base district, subject to conditional use permit approval, pursuant to Section 211.04 of the Huntington Beach Zoning and Subdivision Ordinance. The retail 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 an existing unit permitted for retail sales. The use is compatible in the commercial zone and located to serve a variety of uses within the neighborhood.

#### **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-053:**

1. The site plan and floor plan received and dated December 30, 2008 shall be the conceptually approved design.
2. 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 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. Prior to issuance of a certificate of occupancy, the following shall be completed:
  - a. "No loitering" signs shall be posted at both the front and rear of the business. (PD)
  - b. Sufficient lighting shall be provided on the exterior of the building to easily identify people or activities around the business. (PD)
  - c. A phone jack shall be installed in the coolers. (PD)
4. 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.

**THE MEETING WAS ADJOURNED AT 1:43 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, FEBRUARY 25, 2009 AT 1:30 PM.**



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Ricky Ramos  
Zoning Administrator

RR:kdc