

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

WEDNESDAY, NOVEMBER 4, 2015 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Joanna Cortez, Ethan Edwards, Judy Demers

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT 15-055 (CHEVRON MARKET BEER AND WINE)

APPLICANT: Sherrie Olson, 1030 N. Mountain Ave., Ontario, CA 91762
PROPERTY OWNER: Chase Russell, 16921 Algonquin St., Huntington Beach, CA 92649
REQUEST: To permit sales, display, and storage of alcohol (ABC Type 20 License – off-sale beer and wine) in conjunction with fuel sales at an existing 2,600 sq. ft. service station convenience store with carwash.
LOCATION: 16921 Algonquin Street, 92649 (located at the northwest corner of Algonquin St. and Davenport Dr.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided 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 that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Sherrie Olson, applicant, stated that she had no comments or concerns with staff's recommendations. She gave a brief overview of the security measures that would be installed if the proposed project is approved.

Ed Smith, resident, stated that he has concerns regarding the proposed project. He cited his concerns with the potential negative impacts to traffic, parking, and increase in noise.

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

Mr. Ramos stated that the request is a minor addition to the current business. He stated he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT 15-055 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 consists of no expansion of the existing fuel or retail uses.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-055:

1. Conditional Use Permit No. 15-055 for the sales of alcoholic beverages (beer and wine) within a 2,600 sq. ft. service station convenience market with carwash 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, as conditioned, will not generate noise, traffic, demand for parking or other impacts above that which currently exists and inconsistent with the subject property's commercial zoning. The sale of beer and wine is for off-site consumption only and the service station will continue to provide fuel and convenience goods.
2. The sales of alcoholic beverages (beer and wine) will be compatible with surrounding uses because the subject business is located on a property designated for commercial use. The existing service station convenience market will only dedicate 5% of the floor area to the sale of beer and wine. The market is ancillary to the existing service station, is consistent with the existing land use pattern, and compatible with adjacent properties. The use is required to comply with conditions of approval pertaining to alcohol sales and hours of operation to assure that any potential impacts to the surrounding properties is minimized.
3. The sales of alcoholic beverages (beer and wine) 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 use in the district in which it is located. There is no physical expansion that includes additional floor area to the building as a part of this request and the use will comply with all building occupancy and exiting requirements.
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 CG – F1 (Commercial General – Maximum FAR 0.50) on the subject property. In addition, it is consistent with the following goals, objective, and policies of the General Plan:

A. Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

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 sale of alcoholic beverages (beer and wine) increases the economic viability of the service station by offering the sales of alcoholic beverages in addition to other convenience goods. The expansion of services captures and enhances resident, visitor, and tourist activity within the surrounding areas.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-055:

1. The site plan and floor plans received and dated September 11, 2015 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Hours of operation for the gas station shall be limited to between 6:00 AM and 11:00 PM Monday through Sunday.
 - b. Prior to the sales of alcoholic beverages, the business shall obtain a California Department of Alcoholic Beverage Control (ABC) license authorizing off sale alcohol sales. The ABC license shall be limited to "Off-sale" Type 20 – Beer and Wine Off-sale. All conditions contained in the ABC license shall be adhered to. (PD)
 - c. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. Employees may also choose to attend Licensee Education on Alcohol and Drugs (L.E.A.D) a free training provided by ABC in lieu of attending the RBS training. (PD)
 - d. The facility shall employ a video surveillance security system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. (PD)
 - e. "Consumption of alcohol is prohibited" signage shall be affixed and clearly visible at the exit and in the waiting area of the location. (PD)
 - f. No consumption of alcohol on the premises shall be allowed. (PD)
 - g. Entertainment is prohibited. (PD)
3. CUP No. 15-055 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 Department a minimum 30 days prior to the expiration date.

4. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
5. 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.

ITEM 2: CONDITIONAL USE PERMIT NO. 15-053 / COASTAL DEVELOPMENT PERMIT NO. 15-027 (RAYMER ADDITION)

APPLICANT:	Gary Maxwell, 8941 Atlanta Ave., Suite 365, Huntington Beach, CA 92646
PROPERTY OWNER:	James Raymer, 3882 Sirius Dr., Huntington Beach, CA 92649
REQUEST:	To permit an approximately 188 sq. ft. third floor addition and a 198 sq. ft. third floor deck to an existing two-story single family residence.
LOCATION:	3882 Sirius Drive, 92649 (near the southeast corner of Sirius Dr. and Bolero Ln.)
CITY CONTACT:	Joanna Cortez

Joanna Cortez, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ricky Ramos, Zoning Administrator, verified that the third story projection is strictly for access. Ms Cortez verified that the projection is an enclosed stairway. Mr. Ramos stated that he had no other questions for staff.

THE PUBLIC HEARING WAS OPENED.

Gary Maxwell, applicant, gave a brief overview of the proposed project. He stated that he had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 15-053 / COASTAL DEVELOPMENT PERMIT NO. 15-027 WERE 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 consists of an addition to an existing single-family residence within a residential zone.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-053:

1. Conditional Use Permit No. 15-053 to permit a 188 sq. ft. third floor addition and 198 sq. ft. rooftop deck above the second story of an existing single family residence 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 rooftop deck will be accessible only from the interior of the building and will face the harbor thereby protecting privacy of adjacent residences. Based on code requirements, the proposed rooftop deck will be setback a minimum of five feet from the building exterior, which will minimize the visual mass and bulk of the residence.
2. The 188 sq. ft. third floor addition and 198 sq. ft. rooftop deck above the second story will be compatible with surrounding uses because the rooftop deck and addition will be integrated into the design of the residence in order to resemble the two-story homes in the neighborhood. The overall building height will match the surrounding properties because the project is adjacent to existing two-story, single-family residences with similar building heights. The proposed 188 sq. ft. addition is an enclosed spiral staircase that will provide access to the roof deck. Furthermore, the rooftop deck will be oriented towards the harbor, which will protect direct views onto adjacent residences. The proposed addition and deck will be setback five feet from the building exterior which allows the residence to be compatible with the mass and scale of structures in the surrounding neighborhood.
3. The proposed 188 sq. ft. third floor addition and 198 sq. ft. rooftop deck above the second story 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, as well as any specific condition required for the proposed use in the district in which it would be located. The project complies with minimum onsite parking and building setbacks, and maximum lot

coverage and building height. The 188 sq. ft. third floor addition and 198 sq. ft. rooftop deck above the second story is allowed within the RL (Residential Low Density) zoning district with 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 RL-7 (Residential Low Density—7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Policy – 9.2.1.: Require that all new residential development within existing residential neighborhoods be compatible with existing structures, including (b) use of building heights, grade elevations, orientation and bulk that are compatible with the surrounding development; and (d) maintenance of privacy on abutting residences.

B. Coastal Element

Objectives – C 1.1.: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

The 188 sq. ft. third floor addition and 198 sq. ft. rooftop deck above the second story is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other provisions of the Municipal Code including maximum site coverage, maximum building height, and minimum on-site parking. The rooftop deck will be oriented toward the harbor, minimizing impact to privacy on adjoining properties. The deck will also be setback five feet from the building exterior to reduce the mass and bulk of the structure.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-027:

1. Coastal Development Permit No. 15-027 for the 188 sq. ft. third story addition and 198 sq. ft. rooftop deck above the second story conforms to the General Plan, including the Local Coastal Program. The 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 proposed addition will occur within an existing single family dwelling located within an established residential neighborhood.
2. The proposed additions 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 height, maximum lot coverage, minimum yard setbacks, and required onsite parking.
3. At the time of occupancy the proposed addition can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project 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, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-053/ COASTAL DEVELOPMENT PERMIT NO. 15-027:

1. The site plan, floor plans, and elevations received and dated September 8, 2015 shall be the conceptually approved design.
2. Prior to submittal for building permits, zoning entitlement conditions of approval and code requirements 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. The final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning & Building 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.
4. CUP No.15-053 and CDP No. 15-027 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 Division a minimum 30 days prior to the expiration date.
5. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
6. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
7. 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 1:43 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 18, 2015, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:EE:jg