

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

WEDNESDAY, APRIL 5, 2017 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Nicolle Bourgeois, Jessica Bui, Christopher Wong, Kimo Burden, Joanna Cortez, Judy Graham

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 16-019 (WOODWARD REMODEL AND ADDITION):

APPLICANT: Ed Gulian, Gulian Design Inc., 585 E. Naples Plaza #212, Long Beach, CA 90803

PROPERTY OWNER: Mark and Janet Woodward, 16241 San Clemente Circle, Huntington Beach, CA 92649

REQUEST: To permit an approximately 1,153 sq. ft. addition and remodel of an existing 4,292 sq. ft. two-story single family dwelling. This includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

LOCATION: 16241 San Clemente Circle, 92649 (at the terminus of San Clemente Circle – Huntington Harbour)

CITY CONTACT: Nicolle Bourgeois

Nicolle Bourgeois, Planning Aide, 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.

Ed Gulian, applicant, stated that he no comments or concerns with staff's recommendations.

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 request as recommended by staff.

COASTAL DEVELOPMENT PERMIT NO. 16-019 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 15303 of the CEQA Guidelines because the project consists of the construction of a single family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 16-019:

1. Coastal Development Permit No. 16-019 to permit an approximately 1,153 sq. ft. addition and remodel of an existing 4,292 two-story single family dwelling conforms to the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Policy C 1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing single-family residential developments.
2. Coastal Development Permit No. 16-019 to permit an approximately 1,153 sq. ft. addition and remodel of an existing 4,292 two-story single family dwelling is consistent with the requirements of the Coastal Zone (CZ) Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project, as conditioned, complies with all applicable development regulations, including minimum setbacks, on-site parking, maximum building height, and site coverage.
3. At the time of occupancy, Coastal Development Permit No. 16-019 to permit an approximately 1,153 sq. ft. addition and remodel of an existing 4,292 two-story single family dwelling 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 roads.
4. Coastal Development Permit No. 16-019 to permit an approximately 1,153 sq. ft. addition and remodel of an existing 4,292 two-story single family dwelling 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 - COASTAL DEVELOPMENT PERMIT NO. 16-019:

1. The site plan, floor plans, and elevations received and dated February 8, 2017, shall be the conceptually approved design with the following modifications:
 - a. The covered patio in the rear yard shall be removed from the structure. **(HBZSO Section 210.06)**
 - b. The six ft. high block wall in the front yard shall be set back 15 ft. from the front property line. **(HBZSO 210.06).**
 - c. Remove the master bedroom balcony and add a note to the second story floor plan (Sheet A-1.1) stating the existing French doors in the master bedroom shall be replaced with windows **(HBZSO 236.06).**

2. Prior to submittal of building permits, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, 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. The structure cannot be occupied and the final building permit(s) cannot be approved until the following have been completed:
 - a. The unpermitted construction described in Condition of Approval No. 1.a and 1.c has been removed.
 - b. All improvements shall be completed in accordance with approved plans.
 - c. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
 - d. 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. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. Coastal Development Permit No. 16-019 shall become null and void unless exercised within two years of the date of final approval by the Zoning Administrator, or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
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 Department 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.
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.

ITEM 2: CONDITIONAL USE PERMIT NO. 16-024 (EXPRESS CAR WASH):

APPLICANT: Lance Brown, 2901 W. MacArthur Boulevard, Santa Ana, CA 92704
PROPERTY OWNER: Irving Chase, S&A Properties, 129 W. Wilson Street, Costa Mesa, CA 92627
REQUEST: To permit an approximately 3,115 sq. ft. automated car wash facility on an existing vacant lot and a request for reduced parking based on a shared parking analysis.
LOCATION: 16502 Bolsa Chica Street, 92649 (southeast corner of Bolsa Chica St. and Heil Ave.)
CITY CONTACT: Jessica Bui

Jessica Bui, 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 the location of the car wash and entrance into the site.

THE PUBLIC HEARING WAS OPENED.

Lance Brown, applicant, stated that he had no comment or concerns with staff's recommendations.

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 request as recommended by staff;

CONDITIONAL USE PERMIT NO. 16-024 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 15303 of the CEQA Guidelines, because the project consists of the construction of a commercial building that does not exceed 10,000 sq. ft. in floor area where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-024:

1. Conditional Use Permit No. 16-024 for the construction and operation of an approximately 3,115 sq. ft. automated carwash facility, and a reduction in parking based on a shared parking analysis will not be detrimental to the general welfare or persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The carwash facility will meet required setbacks and will not encroach into required pedestrian access areas or vehicular drive aisles which will ensure adequate safety is provided for motorists and pedestrians. Furthermore, as conditioned, stop signs placed at the terminus of the drive through lane will ensure safe site circulation is maintained. The shared parking analysis prepared by K2 Traffic Engineering demonstrates that the peak parking occurs on Saturday at 12:30pm and requires 162 parking spaces. The site will provide for 180 parking spaces; therefore, the request for reduced parking will not be detrimental to the area as the demand for parking for the proposed use will not impact the site. The nearest residential use is located approximately 135 feet to the north of the subject site and is buffered by Warner Avenue and block walls. The proposed use is subject to compliance with the City's noise ordinance and the hours of operation will be limited to 8:00 AM – 8:00 PM between the months of April to September and 8:00 AM – 5:00 PM between the months of October to March which is characteristic of typical commercial hours in the surrounding area. As such, the proposed use will not be detrimental to the nearby residential use or the uses onsite. Additionally, the use will not be detrimental to the value of the property and neighborhood as the building design will be compatible with the existing property and will provide an additional service to the surrounding community.
2. Conditional Use Permit No. 16-024 for the construction and operation of an approximately 3,115 sq. ft. automated carwash facility, and a reduction in parking based on a shared parking analysis will be compatible with surrounding uses as the proposed carwash facility is entirely surrounded by commercial uses and arterial streets and will not adversely impact the adjacent commercial uses onsite as the hours of operation will be limited to 8:00 AM – 8:00 PM between the months of April to September and 8:00 AM – 5:00 PM between the months of October to March which is consistent with the adjacent commercial uses. Additionally, the parking analysis provides data showing the use will not adversely impact parking to the existing site as there are sufficient spaces to accommodate the proposed use and the commercial uses within the existing shopping center. A reduction in parking with a shared parking analysis also requires a Transportation Demand Management Plan, which as conditioned, shall require a bicycle parking rack and commuter information to be available onsite to provide employees with information regarding alternative transportation methods. Furthermore, the carwash operates entirely within a building and the proposed vacuum stalls are located behind the proposed building that acts as an additional buffer to the nearest residential use located approximately 135 feet to the north of the site.
3. Conditional Use Permit No. 16-024 for the construction and operation of an approximately 3,115 sq. ft. automated carwash facility, and a reduction in parking based on a shared parking analysis will comply with the provisions of the base district and other applicable provisions in Titles 21-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), with the exception of parking as the request includes for a reduction of parking spaces based on a shared parking analysis, and any specific conditions required for the proposed use in the district in which it would be located. The shared parking analysis demonstrates that the demand for parking at the commercial center will not exceed 162 spaces during peak hours and there will be a total of 180 parking spaces available onsite. The HBZSO allows for carwash facilities, subject to approval of a conditional use permit, within the General Commercial zone. In addition, the proposed use will comply with the

applicable development standards in the district in which it will be located such as setbacks, building height, minimum drive aisle widths, and landscaping.

4. The granting of Conditional Use Permit No. 16-024 for the construction and operation of an approximately 3,115 sq. ft. automated carwash facility and a reduction in parking based on a shared parking analysis will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (General Commercial – 0.35 Floor Area Ratio) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

Land Use Element

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

Policy ED 2.4.1: Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

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 proposed carwash facility will promote the economic viability of the existing retail center by allowing for the construction of a commercial building on a vacant lot and the operation of a carwash facility will provide for a wide range of services to residents and visitors.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-024:

1. The site plan, floor plans, elevations, and the shared parking analysis received and dated February 8, 2017 shall be the conceptually approved layout with the following modifications:
 - a. The parallel parking stalls located on the southerly portion of the site shall provide proper 8 ft. maneuvering area. **(HBZSO 231.14)**
 - b. Revise the north elevation (street side) to incorporate additional architectural elements to enhance the design. Revisions shall include varied roof heights and more pronounced breaks in the wall plane with offsets and projections along the street elevation of the building.
 - c. Ensure that the parking space count is accurate on the parking matrix on sheet A-2.1 and reflects the information on the plans and parking analysis.
 - d. The commuter information area shall be shown on the site plan and floor plans in accordance with Condition No. 5.
 - e. Identify stop signs at the terminus of the drive through lane which intersects with the access into the carwash facility parking lot.
 - f. All plans showing wheel stops must be accurately depicted and comply with the location and City design standards. **(HBZSO 231.18)**
 - g. Lifestyle banners and signage must be removed from plans. Signs are reviewed under a separate permit and are not part of the conditional use permit request.

- h. One (1) additional bike rack shall be provided on the carwash facility site and shall not obstruct pedestrian or vehicular access.
2. Prior to submitting for a building permit, the applicant shall submit a revised set of plans complying with Condition No. 1 to the Community Development Department for review.
3. The hours of operation will be limited to 8:00 AM – 8:00 PM between the months of April to September and 8:00 AM – 5:00 PM between the months of October to March.
4. Prior to the issuance of a building permit, revised exhibits for Lot Line Adjustment No. 16-002 shall be submitted to the Community Development Department, approved by the Public Works Department, and recorded by the County for the consolidation of the corner parcel to result in one (1) lot.
5. A commuter information area shall be provided on the carwash facility site to offer employees information on alternative transportation modes and shall be centrally located and accessible to all employees or tenants. The location of the commuter information area must be shown on the site plan or floor plans.
6. CUP No. 16-024 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 Community Development Department a minimum 30 days prior to the expiration date.
7. 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.
8. 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 3: TEMPORARY USE PERMIT NO. 17-001 (DAVITA MEDICAL TRAILER)

APPLICANT: Charles Doughan, 515 South Figueroa Street, Suite 1275, Los Angeles, CA 90071
PROPERTY OWNER: 19066 Magnolia LTD., 201 Wilshire Boulevard, 2nd Floor, Santa Monica, CA 90401
REQUEST: To permit a 2,880 sq. ft. temporary medical office trailer located in the parking lot of an existing commercial center for approximately 12 months.
LOCATION: 19066 Magnolia Street, 92646 (southeast corner of Magnolia St. and Garfield Ave.)
CITY CONTACT: Kimo Burden

Kimo Burden, Planning Aide, 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.

Charles Doughan, applicant, stated that he had no comments or concerns with staff's recommendations.

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 request as recommended by staff.

TEMPORARY USE PERMIT NO. 17-001 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 15304 of the CEQA Guidelines, because the project involves a minor temporary use of land having negligible or no permanent effects on the environment.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 17-001:

1. The proposed temporary use to permit a 2,880 sq. ft. temporary medical trailer located in the parking lot of an existing commercial center for approximately 12 months will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The Land Use Element designation on the subject property is CG-F1 (Commercial General – 3.5 FAR). The proposed use is consistent with the goals and policies of the City's General Plan as follows:

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

Objective LU 10: 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.

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.

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.

The proposed temporary use will allow the medical facility to continue to provide patient care to residents and visitors of the City while the remodel of the medical facility is under construction. A 2,880 sq. ft. temporary medical trailer comprised of a waiting room, office space, 13 exam rooms, restrooms and a kitchen will be used for an anticipated 12 months while the medical facility is under construction. As proposed, the temporary medical trailer is not anticipated to have negative impacts to their patients and the surrounding uses.

2. Approval of the proposed 2,880 sq. ft. temporary medical trailer located in the parking lot of an existing commercial center for approximately 12 months, as conditioned, will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The proposed temporary use will occur on private property within an existing parking lot area, and as conditioned, will ensure that adequate public, disabled, and emergency access will be maintained. The proposed displacement of approximately 18 parking stalls will have less than a significant impact on the site as it represents less than six (6) percent of the existing parking spaces within the commercial center. With the temporary loss of parking, the site has a surplus of 36 parking stalls. No significant impacts related to noise, traffic, or safety, are anticipated because the proposed use will operate during normal business hours and for a duration of 12 months.

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 17-001:T

1. The site plan, floor plans, and elevations received and dated March 3, 2017 shall be the conceptually approved design.
2. All ADA parking requirements and landscaping improvement surrounding the temporary trailer shall be reviewed under the proposed Tenant Improvement building permits for the medical facility.
3. The temporary medical trailer shall be removed by April 5, 2018.
4. A \$500 cash bond shall be submitted to the Community Development Department to guarantee removal of any structure, clean up of site upon termination of the temporary use, and to guarantee maintenance of the property.

5. The final Certificate of Occupancy for the medical facility building shall not issued until the following has been completed:
 - a. All landscaping and parking stall striping shall be returned to its original form within 2 months of completion of construction. A hold will be put at final building permit inspection to ensure all landscaping and parking lot striping will be completed.
6. The use of the temporary medical office trailer shall comply with the following:
 - a. Hours of operation: 8:00 a.m. – 5:00 p.m. Monday through Friday.
 - b. A sign shall be posted on the temporary trailer stating, "no cash, medical supplies or drugs are kept on-site." **(PD)**
 - c. Lighting shall surround the trailer through all hours of darkness. Special concentration of lighting shall be placed on the south and east sides of the temporary trailer. Additionally, the temporary trailer shall be equipped with motion sensor lights located around the temporary trailer. All lights shall not spill beyond the property lines. **(PD)**
 - d. The temporary trailer shall be equipped with a security alarm located at all access points of the temporary trailer. Additionally, the temporary trailer shall have surveillance cameras and signs stating their existence. **(PD)**
 - e. Temporary signage, such as a banner, may be permitted subject to review and approval by the Community Development Department for the duration that the temporary use is located onsite. It shall be maintained in a good appearance at all times and removed upon vacation of the site.
7. Temporary Use Permit No. 17-001 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 Department of Community Development a minimum 30 days prior to the expiration date.
8. 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.
9. 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 4: CONDITIONAL USE PERMIT NO. 17-001 (BUON GUSTO RESTAURANT EXPANSION & ALCOHOL):

APPLICANT: Peter Kourkoulis, 4911 Warner Ave., Suite 109, Huntington Beach, CA 92649
PROPERTY OWNER: Dr. Art Jan, 4911 Warner Avenue, Suite 109, Huntington Beach, CA 92649
REQUEST: To allow an existing 3,100 sq. ft. restaurant (Buon Gusto) to expand to an adjacent 1,200 sq. ft. suite and allow on-site sales, service, and consumption of alcohol (ABC License Type 47) in the expanded area.
LOCATION: 4911 Warner Avenue, Suite 108, Huntington Beach, CA 92649 (northeast corner of Warner Avenue and Green Lane)
CITY CONTACT: Christopher Wong

Christopher Wong, Associate 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.

Peter Kourkoulis, applicant, stated that he had no comment or concerns with staff's recommendations.

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 request as recommended by staff.

CONDITIONAL USE PERMIT NO. 17-001 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 a minor alteration to the operation of an existing development involving negligible expansion of an existing use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 17-001:

1. Conditional Use Permit No. 17-001, which allows an existing 3,100 sq. ft. restaurant (Buon Gusto) to expand to an adjacent 1,200 sq. ft. suite and allows on-site sales, service, and consumption of alcohol (ABC License Type 47) in the expanded 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. Even with alcohol, characteristics of the business and operation indicate the primary use will remain restaurant. A full menu of prepared food items for on-site consumption is served during business hours. Business hours are also consistent with those of a typical restaurant. Additionally, live entertainment and patron dancing are not offered on the premises. Therefore, it is evident the request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. Such a use will not be detrimental to the welfare of persons in the vicinity and will help sustain a vital area for business activity that serves the community. Conditions have been included to ensure the sales and consumption of alcohol will remain incidental to the primary restaurant use.
2. Expanding an existing 3,100 sq. ft. restaurant (Buon Gusto) to an adjacent 1,200 sq. ft. suite and allowing on-site sales, service, and consumption of alcohol (ABC License Type 47) in the expanded area will be compatible with surrounding land uses. The project site is located within an existing commercial shopping center with a mix of retail, office, food, and service uses. The nearest residential uses are approximately 120 feet away to the north of the tenant space. These residences are adequately buffered from the subject commercial activity by the building, landscaping, and parking areas. Therefore, the proposed restaurant use with on-site sales, service, and consumption of alcohol is compatible with surrounding uses.
3. Conditional Use Permit No. 17-001, which allows an existing 3,100 sq. ft. restaurant (Buon Gusto) to expand to an adjacent 1,200 sq. ft. suite and allows on-site sales, service, and consumption of alcohol (ABC License Type 47) in the expanded area, 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 (HBZSO). To ensure a comprehensive and orderly planned use of land resources, the HBZSO allows eating and drinking establishments with alcohol service subject to the approval of a conditional use permit.
4. Granting a conditional use permit to allow an existing 3,100 sq. ft. restaurant (Buon Gusto) to expand to an adjacent 1,200 sq. ft. suite and allow on-site sales, service, and consumption of alcohol (ABC License Type 47) in the expanded area will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (Commercial General – Maximum floor area ratio of 0.35) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective LU 10.1: 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.

Policy LU 10.1.8 Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The proposed conditional use permit will facilitate the continued success of an existing eating and drinking establishment by permitting the sale of alcoholic beverages in the expanded area of a restaurant in a safe manner for customers and residents of the surrounding area. Conditions have been added to the permit which limit the use and manner in which alcohol may be sold and consumed, and will limit the business hours of operation consistent with Conditional Use Permit 12-08. With conditions of approval, the proposed use will be compatible with the land uses in the surrounding neighborhood while providing a service that is responsive to market needs. Thus, the sale of alcohol for on-site consumption is consistent with the General Plan.

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 place.

The project is located along a major arterial in the City that contains a mix of restaurants, retail, and entertainment uses. The project serves to expand the range of goods and services provided in the area, and facilitate continued viability of the commercial center.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 17-001:

1. The site plan and floor plan received and dated January 10, 2017 shall be the conceptually approved design.
2. The conditions of approval from Conditional Use Permit No. 12-08 shall remain in full effect.
3. The use shall comply with the following:
 - a. The hours of operation of the interior restaurant shall be limited to between 10:00 am and 12:00 am daily. Hours of operation for the outdoor dining area shall be limited to between 10:00 AM and 10:00 PM as established in CUP No. 12-008.
 - b. Prior to sales, service or consumption of alcoholic beverages in the expanded restaurant area the establishment shall obtain an ABC license authorizing On Sale alcohol sales. The establishment shall be limited to a Type 41 (On Sale Beer and Wine for Bonafide Public Eating Place) or a Type 47 (On Sale General for Bonafide Public Eating Place) ABC License. **(PD)**
 - c. Live Entertainment shall not be permitted unless a Conditional Use Permit (CUP) for this specific use is reviewed and approved and a valid Entertainment Permit issued by the Huntington Beach the Police Department. **(PD)**

- d. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available to the public until at least sixty (60) minutes prior to the scheduled closing time. **(PD)**
 - e. All alcoholic beverages shall remain within the interior of the business and within the confines of the patio area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). **(PD)**
 - f. Signs shall be posted in a conspicuous space at the entrance/exit of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
 - g. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
 - h. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
 - i. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
 - j. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
 - k. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
 - l. An employee of the business must monitor all areas where alcohol is served. **(PD)**
 - m. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
 - n. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are intended to be viewed by patrons inside the restaurant, but are visible to the exterior, shall not constitute a violation of this condition. **(PD)**
 - o. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
 - p. All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business. **(PD)**
 - q. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. **(PD)**
4. CUP No. 17-001 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 Community Development Department a minimum 30 days prior to the expiration date.
5. 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.

6. 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 5: TEMPORARY USE PERMIT NO. 16-003 (OFF-SITE DEALER STORAGE):

APPLICANT/
PROPERTY OWNER: Max Daffron, Office of Business Development, 2000 Main St.,
Huntington Beach, CA 92648

REQUEST: To permit off-site storage of vehicles for local car dealers within
the former Navy Railroad Right-of-Way (ROW), 3,808 linear feet
between Springdale St. and Rancho Rd., for a period of five
years.

LOCATION: 14515 Astronautics Ln., 92647 (City ROW–Former Navy Railroad
ROW, between Springdale St. and Rancho Rd.)

CITY CONTACT: Joanna Cortez

Joanna Cortez, Associate Planner, stated that the applicant has requested a continuance to the April 19, 2017, meeting.

THE PUBLIC HEARING WAS OPENED.

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

Mr. Ramos stated that he would approve the continuation at the applicant's request..

TEMPORARY USE PERMIT NO. 16-003 WAS CONTINUED TO THE APRIL 19, 2017 MEETING BY THE ZONING ADMINISTRATOR.

THE MEETING WAS ADJOURNED AT 2:06 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, APRIL 19, 2017, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:JC:jg