

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

WEDNESDAY, DECEMBER 7, 2016 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos
STAFF MEMBER: Nicolle Bourgeois, Jessica Bui, Joanna Cortez, Judy Graham
MINUTES: **NONE**
ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 16-041 (GREEK RESTAURANT ALCOHOL)

APPLICANT: James Sdrales, 5452 Commercial Drive, Huntington Beach, CA 92649
PROPERTY OWNER: EFH-H Investments LLP., 40 Raven Lane, Aliso Viejo, CA 92656
REQUEST: To permit the on-site sales, service, and consumption of alcohol (ABC Type 47 license) within a proposed 2,400 sq. ft. restaurant located within an existing commercial center.
LOCATION: 19171 Magnolia Street #1 and #2, 92647 (near the southwest corner of Magnolia St. and Garfield Ave.)
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 for denial as presented in the executive summary. Ms. Bourgeois noted that staff received two written comments addressing the past legal history between the property owner and the former tenant, the applicants legal background, parking and the number of establishments serving alcohol in the center.

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

James Sdrales, applicant, stated that he has no comments or concerns with staff's recommendations.

A female resident spoke regarding the proposed project. She cited her concerns with the applicant's past legal history being allowed to apply for an ABC license. Mr. Ramos explained the role of the Zoning Administrator is to address land use and zoning compliance.

A male resident spoke regarding the proposed project. He cited his concerns with the applicant's legal history.

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

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

CONDITIONAL USE PERMIT NO. 16-041 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS. 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 minor alterations to an existing commercial building involving no expansion in the overall floor area of the structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-041:

1. Conditional Use Permit No. 16-041 to permit the on-site sales, services, and consumption of alcohol (ABC Type 47 license) within a proposed 2,400 sq. ft. restaurant located within an existing commercial center 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 sales, service and consumption of alcohol, as conditioned, will not generate noise, traffic, demand for parking or other impacts above that which currently exists or be inconsistent with the subject property's zoning. The restaurant will serve food and beverages in conjunction with the proposed use. All business activities will occur inside the restaurant.
2. Conditional Use Permit No. 16-041 to permit the on-site sales, services, and consumption of alcohol (ABC Type 47 license) within a proposed 2,400 sq. ft. restaurant located within an existing commercial center will be compatible with surrounding uses. The proposed restaurant is located within an existing multi-tenant commercial center and consistent with adjacent commercial uses, which serve nearby residents and visitors. The proposed tenant space fronts Magnolia Street and the nearest residential use is 100 feet to the east, buffered by Magnolia Street. Additionally, residential to the south is buffered from the proposed use by Langenbeck Park.
3. Conditional Use Permit No. 16-041 to permit to permit the on-site sales, services, and consumption of alcohol (ABC Type 47 license) within a proposed 2,400 sq. ft. restaurant located within an existing commercial center 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). The HBZSO authorizes the sale, service, and consumption of alcohol at the subject property, subject to approval of a conditional use permit. The proposed restaurant with alcohol will be located within an existing commercial center which conforms to land use and applicable development standards.
4. The granting of Conditional Use Permit No. 16-041 to permit to permit the on-site sales, services, and consumption of alcohol (ABC Type 47 license) within a proposed 2,400 sq. ft. restaurant located within an existing commercial center will not adversely affect the General Plan. It is consistent with the General Plan land use designation of CG (Commercial General) and the objectives and policies of the General Plan as follows:

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 use is compatible with the existing commercial uses in the center such as retail and restaurants. It provides for the sales and service of alcoholic beverages within the interior of the restaurant. The proposed use will not generate significant impacts above existing conditions, based upon the conditions imposed on the conditional use permit.

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 proposed restaurant is offering the proposed use as an additional service to their patrons. The subject property is located along a primary corridor of the City that contains existing restaurants and retail uses. The proposed restaurant is within a shopping center that consists of commercial establishments with similar ancillary services. It will not adversely affect the operations of the existing use and surrounding uses based upon conditions imposed on the conditional use permit.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-041:

1. The site plan received and dated November 3, 2016 and floor plan received and dated October 13, 2016 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to between 11:30 AM and 10:00 PM every day of the week.
 - b. Service of alcoholic beverages for consumption off-site shall not be permitted.
 - c. Prior to the sales, service, or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing On Sale Alcohol Sales. The business shall be limited to a Type 47 (On Sale Eating Place) ABC license. All conditions contained in the ABC license shall be adhered to. **(PD)**
 - d. Live Entertainment shall not be permitted unless a Conditional Use Permit for this specific use is reviewed and approved and a valid Entertainment Permit issued by the Huntington Beach the Police Department. **(PD)**

- e. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available to the public until at least one hour prior to the scheduled closing time. **(PD)**
- f. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
- g. 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)**
- h. No new customers shall be permitted after 30 minutes before closing. **(PD)**
- i. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- j. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- k. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- l. All alcoholic beverages shall remain within the interior of the restaurant and bar, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). **(PD)**
- m. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- n. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- o. Signs shall be posted in a conspicuous space at the entrance/exit of the restaurant, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- p. 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 clearly visible to the exterior shall constitute a violation of this condition. **(PD)**
- q. All persons engaged in the sale or service of alcohol shall complete a mandatory Responsible Beverage Service (RBS) training and certification. This 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. **(PD)**
- r. The establishment shall employ a video surveillance security system and a one-month video library. The minimum requirements for the cameras shall be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. 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. You

are required to have someone able to operate the system on duty during all business hours. (PD)

- s. All owners, employees, representatives, and agents shall 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)
3. CUP No. 16-041 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.
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.

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. 16-040 (SESSIONS BEER AND WINE)

APPLICANT: Matt Meddock, 2823 Newport Boulevard, Newport Beach, CA 92663
PROPERTY OWNER: Greg Pilette, 20151 Big Bend Lane, Huntington Beach, CA 92646
REQUEST: To permit the on-site sale, service, and consumption of beer and wine (ABC Type 41 License) within an existing approximately 1,295 sq. ft. restaurant.
LOCATION: 414 Pacific Coast Highway, 92648 (north side of Pacific Coast Hwy. and south of 5th St.)
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, stated that he had no questions for staff. Ms. Bui noted that staff received two written comments opposing the proposed project and stating that the Planning Commission should handle beer and wine permits.

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff

THE PUBLIC HEARING WAS OPENED.

Matt Meddock, applicant 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 that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 16-040 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS. 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 restaurant use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-040:

1. Conditional Use Permit No. 16-040 to permit the sales, service, and consumption of beer and wine in conjunction with an existing 1,295 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 sales, service and consumption of beer and wine, as conditioned, will not generate noise, traffic, demand for parking or other impacts as the use will remain primarily a restaurant and shall continue to serve food and the sales, service, and consumption of beer and wine will be an ancillary part of the restaurant use.
2. The conditional use permit will be compatible with surrounding uses because the subject suite is located within the Downtown Specific Plan which allows for a mix of land uses which include commercial, office, and restaurant uses. The proposed sales, service, and consumption of beer and wine in conjunction with an existing 1,295 sq. ft. restaurant is consistent with the existing land use pattern and is compatible with the adjacent properties. As conditioned, the use will be required to operate with specific hours of operation and dancing or live entertainment is prohibited which will ensure that the use will be compatible with the surrounding 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. In addition, the use is also subject to the conditions of approval set forth in Resolution No. 2013-24 as the project site is located within District 1 of the Downtown

Specific Plan which requires specific operating conditions. The proposed project, as conditioned, complies with the provisions within District 1 of the Downtown Specific Plan and other applicable provisions such as the hours of operation required by Resolution No. 2013-24 which limits hours between 7:00AM to 12:00AM as the restaurant will only operate between 7:00AM to 9:00PM. Furthermore, there is no physical expansion to the existing restaurant and complies with all previously approved standards such as parking requirements and setbacks.

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 MV-F12-sp-pd (Mixed Use Vertical – 1.5(MU) – 1.5(C)/15 du/ac – Specific Plan Overlay – Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

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 subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

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.

Policy LU 15.2.2: Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed sales, service, and consumption of beer and wine in conjunction with an existing 1,295 sq. ft. restaurant increases the economic viability of the establishment by offering an additional service to an existing business. The expansion of services captures and enhances visitor and tourist activity within the downtown. Additionally, the site is centrally located in a mixed-use district of the downtown area and adjacent to the City beach and is within walking distance of several public parking facilities as well as residential uses; thus, reducing the need for vehicular travel for this type of expanded service for visitors and tourists.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-040:

1. The site plan, floor plans, and elevations received and dated September 29, 2016 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Restaurant business hours shall be limited to between 7:00 AM to 9:00 PM daily.

- b. A minimum of 70 percent of the net floor areas of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas. **(Resolution No. 2013-24)**
- c. Full food service menus shall be served, at a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times. **(Resolution No. 2013-24)**
- d. Alcoholic drinks shall not be included in the price of admission to any establishment. **(Resolution No. 2013-24)**
- e. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(Resolution No. 2013-24)**
- f. All alcohol shall remain on the establishment's premises. **(Resolution No. 2013-24)**
- g. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(Resolution No. 2013-24)**
- h. 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. **(Resolution No. 2013-24)**
- i. Dancing and/or dance floor and/or live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City. **(Resolution No. 2013-24)**
- j. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(Resolution No. 2013-24)**
- k. The establishment shall follow all conditions of the alcohol license issued by the California Department of Alcoholic Beverage Control, as well as all other relevant portions of the Huntington Beach Zoning and Subdivision Ordinance and Huntington Beach Municipal Code. **(Resolution No. 2013-24)**
- l. No new customers shall be permitted after 30 minutes before closing. **(Resolution No. 2013-24)**
- m. Last call for drinks shall be no later than 15 minutes before closing. **(Resolution No. 2013-24)**
- n. Signage, posters, and advertizing with "Do Not Drink and Drive" shall be posted in the business. **(Resolution No. 2013-24)**
- o. Signs shall be posted in a conspicuous space at the entrance/exit of the restaurant, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- p. 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 clearly visible to the exterior shall constitute a violation of this condition. **(PD)**

- q. 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. **(Resolution No. 2013-24)**
 - r. Establishments shall install and maintain a video surveillance system to monitor public area of premises and shall make the video available to the police department for any criminal or civil investigation. **(Resolution No. 2013-24)**
 - s. Prior to sales, service, or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing alcohol use in the restaurant. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License. **(PD)**
 - t. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
 - u. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
 - v. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
 - w. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
 - x. The establishment shall employ a video surveillance security system and a one-month video library. The minimum requirements for the cameras shall be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. 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. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
 - y. All owners, employees, representatives, and agents shall 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)**
3. CUP No. 16-040 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.
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 3: CONDITIONAL USE PERMIT NO. 16-042 (HUMANE SOCIETY ANIMAL BOARDING FACILITY)

APPLICANT: Edward Wong, 15565 Brookhurst Street Suite B, Westminster, CA 92683

PROPERTY OWNER: Hamilton HB, LLC, 15565 Brookhurst Street Suite B, Westminster, CA 92683

REQUEST: To establish an approximately 2,200 sq. ft. animal boarding facility for the Orange County Humane Society which includes the receiving and temporary holding of stray animals for a period of no more than seven days. All animal activities and business operations onsite will occur entirely indoors.

LOCATION: 9508 and 9510 Hamilton Avenue (east side of Bushard St. and south of Hamilton 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. Ms. Bui stated that staff received six verbal comments. Five were in opposition stating their concerns with noise, odors, and negative impact to their property values. One comment was in support of the proposed project. Additionally, staff received three written comments opposing the proposed project due to noise impacts.

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Rami, representing the applicant, stated that he had no comments or concerns with staff's recommendations.

Robert Polk, resident spoke in opposition of the proposed project citing his concern with increases in noise. Mr. Polk asked who residents should contact if the noise becomes a nuisance. Mr. Ramos noted that if the proposed project violates the City's noise ordinance, residents should contact the Code Enforcement Division.

Mr. Ramos asked the applicant if a noise study was conducted. Rami, representing the applicant explained that steps are being taken to mitigate noise by utilizing materials that help minimize noise.

Dr. Botros, applicant, gave a brief overview of the proposed operation for the project.

Frank Wong, resident, spoke in opposition of the proposed project. He noted that his house is the closest to the location. He cited concern for the potential negative impacts of the noise. He also noted concern that his grandchild has an allergy to cats.

Scott Owen, applicant, he cited his concern for sanitation maintenance. He also noted concern for negative noise impacts as the proposed location is close to the fire station and dogs tend to howl when the sirens sound.

Payton Bauman, resident, inquired of the process that will be in place to reunite pets with pet owners. A brief discussion took place regarding the proposed process and the procedures in place when the doors are open for deliveries.

Sandra Polk, resident, noted that although there is a block wall between the proposed project and the closest single family residence, however, the house is a two-story and the wall is 6 ft.

Phyllis Juranek, resident, spoke in opposition of the proposed project citing concerns with noise and potential negative impacts to property values. She also noted that the meeting time was not convenient for all residents to attend. Mr. Ramos explained that residents who could not attend are able to comment via email, telephone, or written communication and their comments would be added to the public record.

Tom Benson, resident, asked why there were cages at the location and if the front door would be used. Dr. stated that the cages are in the facility but are only being stored temporarily, he also noted that the front door would not be used.

A discussion took place regarding the proposed drop off location at the building. The applicant explained the difference between the using the front entry and back entry.

A question was raised regarding the receptionist area that is shown in the plans. Rami stated that the receptionist area will not be used. It is part of the existing building.

Dr. Botros stated that he agreed to not allow individuals to come and view the animals. They could be viewed at the other location.

Amir Kokab, resident, spoke in opposition of the proposed project. He cited his concerns with noise.

David Wiggins, resident, asked who would be paying for the proposed project.

An unidentified Lieutenant from the Costa Mesa Police Department, stated that Huntington Beach residents will not be paying for the facility.

Mr. Wiggins, stated that he felt it was strange that a boarding facility would be allowed in a strip mall. He is opposed to the project.

Robert Polk noted that the applicant stated there would not be any double stacked cages, however, the plans reflect that stacking would be taking place. Rami, noted that the plans have been updated and there would not be any double stacking of cages.

Richard Miller, resident, asked if Costa Mesa was transferring their problem to Huntington Beach. The Lieutenant stated that Huntington Beach sends their strays to Tustin, noting that each City is different and the contractor for Costa Mesa is located in Huntington Beach.

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

Mr. Ramos inquired if the applicant was comfortable conducting a noise study prior to opening the facility to identify sound mitigation materials that can be used to help contain noise.. Rami stated that they would agree to a noise study. A brief discussion took place regarding the sanitation process. Mr. Ramos stated that he would approve the proposed project as recommended by staff adding a condition that the applicant must conduct a noise study.

CONDITIONAL USE PERMIT NO. 16-042 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 the operation and minor alteration of an existing commercial structure involving negligible or no expansion of use beyond that previously existing.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-042:

1. Conditional Use Permit No. 16-042 to establish an approximately 2,200 sq. ft. animal boarding facility which includes the receiving and temporary holding of stray animals within an existing commercial center 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 not generate traffic, demand for parking, or other impacts detrimental to the surrounding properties. The conditions of approval such as requiring the rear doors used for the receiving of stray animals to be closed at all times and all outdoor animal activity shall be prohibited will minimize potential noise impacts to the adjacent residential use.
2. The approximately 2,200 sq. ft. animal boarding facility, which includes the receiving and temporary holding of stray animals, will be consistent with surrounding uses because the

animal boarding facility will be located within an existing commercial center with other compatible uses. The proposed use will be fully enclosed and no activities shall occur outdoors; in addition, dog kennels will be placed indoors, behind an existing 10 inch thick concrete wall, which will minimize noise impacts to surrounding uses.

3. The approximately 2,200 sq. ft. animal boarding facility which includes the receiving and temporary holding of stray animals within an existing commercial center 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). The proposed use is permitted in the CG (Commercial General) zone, subject to conditional use permit approval, pursuant to Section 211.04 of the HBZSO. The project is located within an existing shopping center and does not include a physical expansion of the existing structure; therefore, the project will not affect the previously approved parking, landscaping, setbacks or building height.
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 CN-F1 (Commercial Neighborhood – 0.35 FAR) on the subject property. In addition, it is consistent with the following goals 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.

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

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 approximately 2,200 sq. ft. animal boarding facility, which includes the receiving and temporary holding of stray animals, within an existing commercial center will provide an additional service to the surrounding neighborhood and diversify the land uses. The use will be located within an existing commercial center which includes other service related uses consistent with the Land Use and Density Schedules in the General Plan; with the conditions of approval, the use will be compatible with the adjacent uses. In addition, the project will provide for new job opportunities for existing and future residents and promote the economic viability of the shopping center.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-042:

1. The site plan, floor plans, and elevations received and dated October 20, 2016 shall be the conceptually approved design with the following modification: plans must show the location and exterior lighting along the southerly portion of the building and provide manufacturer specifications of the type of lighting.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to between 10:00AM to 6:00PM, Monday – Friday and 9:00AM to 5:00PM, Saturday – Sunday.

- b. All exterior doors along the southerly portion of the building shall provide shielded lighting and illumination shall not project over the property line.
 - c. All rear doors located along the southerly portion of the building shall only be used for dropping off of animals during the permitted hours of operation only and shall remain closed at all other times.
 - d. No outdoor exercising or animal activities shall be permitted in the rear or front of the building.
3. Prior to the issuance of building permits the applicant shall submit a noise study to the Community Development Department for review and make all necessary noise attenuations to comply with the City of Huntington Beach Noise Ordinance (Chapter 8.40).
4. CUP No. 16-042 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 4: COASTAL DEVELOPMENT PERMIT NO. 16-021/ VARIANCE NO. 16-006 (O'NEILL RESIDENCE)

APPLICANT: Roslyn Amparo, 1524 Brookhollow Dr., Santa Ana, CA 92705
PROPERTY OWNER: Brian O'Neill, 17027 Edgewater Ln., Huntington Beach, CA 92649704
REQUEST: To permit a 605 sq. ft. second story addition to an existing single family dwelling; expand the existing garage by 266 sq. ft.; and exceed the allowable lot coverage by an additional 3.3% for a total of 53.3%. in lieu of the maximum allowable lot coverage of 50%.
LOCATION: 17027 Edgewater Lane, 92649 (south side of Edgewater Ln., west of Waverly 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, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Brian O'Neill, applicant, 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 that he would approve the request as recommended by staff.

COASTAL DEVELOPMENT PERMIT NO. 16-021/ VARIANCE NO. 16-006 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 - COASTAL DEVELOPMENT PERMIT NO. 16-021:

1. Coastal Development Permit No. 16-021 for the 602 sq. ft. second story addition to an existing single family dwelling and expansion of the existing garage by 266 sq. ft. conforms with 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. The request for the 602 sq. ft. second story addition to an existing single family dwelling and expansion of the existing garage by 266 sq. ft. 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 except for the variance for increased lot coverage. The project complies with the minimum onsite parking, minimum setbacks, and maximum building height requirements.
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 602 sq. ft. second story addition to an existing single family dwelling and expansion of the existing garage by 266 sq. ft. is on a site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The request for a 602 sq. ft. second story addition to an existing single family dwelling and expansion of the existing garage by 266 sq. ft. conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed addition and request to exceed the maximum lot coverage will not impede public access, recreation, or views to coastal resources.

FINDINGS FOR APPROVAL - VARIANCE NO. 16-006:

1. The granting of Variance No. 16-006 for 53.3% lot coverage in lieu of the maximum 50% will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. In order to provide additional on-site parking, the new development would exceed the maximum allowable lot coverage. The subject property is located on a 5,021 sq. ft. lot, which is less than the minimum required 6,000 sq. ft. lot found under an identical zone classification. In addition, several properties in the immediate area were built under a previous code requirement which permitted lot coverage up to 55%. The proposed second floor and garage addition at the subject site is consistent with other properties in the vicinity and under an identical zone classification.
2. Because of special circumstances applicable to the subject property, including size, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The applicant would like to provide additional on-site parking by adding a third car garage to the property, a common feature of many homes in the vicinity. The property is located on a 5,021 sq. ft. lot, smaller than the minimum required 6,000 sq. ft. lot. There are several homes on comparable lots in the immediate vicinity which have been granted variances beyond the maximum lot coverage of 50%, including 17041, 16941, and 16791 Bolero Lane. Additionally, several properties in the immediate area were built under a previous code requirement which permitted lot coverage up to 55%.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. By increasing the lot coverage to 53.3% in lieu of the maximum 50%, the property owner will enjoy the same benefits imparted to the surrounding properties. In addition, it would be consistent with several homes in the immediate vicinity which have been granted variances beyond the maximum lot coverage of 50%, as well as several properties in the immediate area that were built under a previous code requirement which permitted lot coverage up to 55%.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The requested variance for 53.3% lot coverage in lieu of the maximum 50% will not result in a structure that would be

incompatible with the surrounding neighborhood. The addition will not result in a mass and bulk that is inconsistent with the area. The 3.3% increase in lot coverage would allow for additional on-site parking and represents a small increase in the overall development of the lot.

5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low Density – 7 units/acre Specific Plan) on the subject property, including the following policy:

LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

The requested variance accounts for the smaller than average lot size. Granting the addition would allow the subject property the opportunity to be designed in the same manner as nearby properties with similar lot sizes.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 16-021 /VARIANCE NO.16-006:

1. The site plan, floor plans, and elevations received and dated October 14, 2016 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 Community Development 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. CDP No. 16-021 and VAR No. 16-006 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 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.

THE MEETING WAS ADJOURNED AT 2:56 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 21, 2016, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:JC:jg