

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

WEDNESDAY, MARCH 16, 2016 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos
STAFF MEMBER: John Ramirez, Ethan Edwards, Judy Graham
MINUTES: August 5, 2015
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

**ITEM 1: TENTATIVE PARCEL MAP NO. 15-163/ CONDITIONAL USE PERMIT NO. 15-058/
COASTAL DEVELOPMENT PERMIT NO. 15-030 (DAVENPORT MARINA RESIDENTIAL)**

APPLICANT: Otis Architecture, Karen Otis, 909 Electric Avenue, Suite 207, Seal Beach CA 90740
PROPERTY OWNER: Stanko Family Trust, John Stanko, 7 Hitching Post Drive, Rolling Hills Estates, CA 90274
REQUEST: **TPM:** To subdivide one existing parcel into three parcels to establish two residential lots and reconfigure an existing marina parking lot. The subdivision includes a request for exception to the public access to coastal resources requirement. **CUP:** To permit a reduction in the number of required marina parking spaces based on a parking survey. **CDP:** To subdivide one existing parcel into three parcels without providing public access to coastal resources, as identified in the Local Coastal Program. **Environmental:** Based on the request for exception to public access to coastal resources, the proposed project does not qualify as a categorical exemption and is subject to an environmental analysis pursuant to CEQA. An environmental analysis has not been submitted for review.
LOCATION: 4052 Davenport Drive, 92649 (south side of Davenport Dr. between Edgewater Ln. and the Channel - Huntington Harbour)
CITY CONTACT: John Ramirez

John Ramirez, Project 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. Mr. Ramirez noted that staff received one letter from the California Coastal Commission, three emails from area residents, and a petition signed by 45 residents, in opposition of the proposed project.

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

THE PUBLIC HEARING WAS OPENED.

John and Joe Stanko, property owners, gave a brief power point presentation supporting the proposed project.

Jeff Nighswonger, resident, spoke in opposition of the proposed project. He cited concerns with potential negative parking impacts and impacts to the ADA parking requirements.

Lorin Klistoff, resident, spoke in opposition of the proposed project. She cited concerns with impacts to parking and to the ADA requirements.

Fernando Scalini, resident, provided pictures showing the potential for negative impacts the proposed project may create to parking, loss of views, and impacts to traffic.

Steve Prouse, resident, spoke in opposition of the proposed project, citing his concerns with the potential impacts to views, and impacts to area traffic.

Tarik Shawa, resident, spoke in opposition of the proposed project cited concerns with public access, additional run-off, loss in property values, and additional development in the area.

Mark Prause, resident, spoke in opposition of the proposed project. He cited his concern with the loss of openness.

Stephen Prause Sr., spoke in opposition of the proposed project citing concerns with the potential negative impact to the parking and the potential of increased traffic.

Karen Otis, applicant, spoke in support of the proposed project. She gave an overview of the proposed project commenting that she was once a resident of Davenport Island and is aware of the concerns the residents spoke of. She noted that the Zoning Code has a mechanism within it which allows an applicant to request reduction in parking spaces. A parking study was conducted and the request was made. She also noted that staff requested a turn-around drive on the property to avoid negative impacts on traffic. She also stated that new developments help increase the value of area residences.

John Stanko, property owner, stated that there are enough parking spaces to accommodate the marina. One of the problems occurring is that beachgoers will park in the lot without permission. He also noted that there is enough parking for the spectators wanting to watch the annual boat parade.

Mike Adams, representing the applicant, requested a continuance to allow the property owner and applicant an opportunity to address some of the concerns addressed.

Debbie Barry noted that the boat parade brings value to the community by providing fundraising opportunity to support school music programs.

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

Ricky Ramos, Zoning Administrator, stated he would continue the item at the applicant's request.

TENTATIVE PARCEL MAP NO. 15-163/ CONDITIONAL USE PERMIT NO. 15-058/ COASTAL DEVELOPMENT PERMIT NO. 15-030 WERE CONTINUED TO THE APRIL 20, 2016, MEETING.

ITEM 2: CONDITIONAL USE PERMIT NO. 16-003 (GEORGE'S GRILL BEER AND WINE)

APPLICANT: Jorge Herrera, 300 Pacific Coast Highway, Suite 107B, Huntington Beach, CA 92648
PROPERTY OWNER: Pierside Pavilion LLC, 1 Hammond Road, Ladera Ranch, CA 92694
REQUEST: To permit the sale, service, and consumption of beer and wine (ABC Type 41 License) at an existing restaurant and outdoor dining area.
LOCATION: 300 Pacific Coast Highway, Suite 107B, 92648 (northeast corner of PCH and Main St.
CITY CONTACT: Ethan Edwards

Ethan Edwards, 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.

Jorge Herrera, 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 he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 16-003 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of no expansion of the existing restaurant use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-003:

1. Conditional Use Permit No. 16-003 to permit the sales, service, and consumption of beer and wine within an existing 1,751 sq. ft. restaurant and 174 sq. ft. outdoor dining area will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed sales, service and consumption of beer and wine, 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 continue to serve food and beverages in conjunction with the proposed use.
2. The conditional use permit to permit the sales, service, and consumption of beer and wine will be compatible with surrounding uses because the subject tenant suite is located within a

Specific Plan area designated for mixed-use pedestrian-oriented development. The proposed restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible with adjacent properties. The use is required to comply with conditions of approval pertaining to alcohol service and hours of operation to assure that any potential impacts to the surrounding properties are minimized.

3. The conditional use permit to permit the sales, service, and consumption of beer and wine will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project as conditioned complies with the base district and other applicable provisions. There is no physical expansion that includes additional floor area to the existing building as a part of this request and the use will comply with all building occupancy/exiting requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M->30-sp-pd (Mixed Use – >30 du/ac – specific plan overlay – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals, objective and policies of the General Plan Land Use Element:

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

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

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

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

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 project is consistent with the Land Use Density Schedules for the Downtown and increases the economic viability of the establishment by offering the sales, service, and consumption of beer and wine. The expansion of services captures and enhances visitor and tourist activity within the downtown. The site is located in a mixed-use district of the downtown area and within walking distance of several downtown-parking facility as well as residential uses, thus reducing the need for vehicular travel.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-003:

1. The site plan and floor plan received and dated February 17, 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 12:00 AM midnight **(Resolution No. 2013-24)**
 - 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, including within outdoor dining areas. **(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. 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)**

- p. 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)**
 - q. Prior to sales, service or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the restaurant and outdoor patio dining area. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License. **(PD)**
 - r. Front patio shall have a physical barrier 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
 - s. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
 - t. Sales, service and consumption of alcoholic beverages on said patio area shall be limited to glass containers not exceeding twelve (12) ounces in size. No bottles or pitchers will be permitted on said patio area. **(PD)**
 - u. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
 - v. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 PM. **(PD)**
 - w. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**
 - x. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, no dining or consumption of alcoholic beverages will be permitted on the outdoor patio area between the hours of 10:00 P.M. and 7:00 A.M. **(PD)**
 - y. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
 - z. Signs shall be posted in a conspicuous space at the entrance/exit points of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
 - aa. There shall be a minimum 30 day retention period of all surveillance video. **(PD)**
 - bb. 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)**
 - cc. 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)**
3. CUP No. 16-003 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.

THE MEETING WAS ADJOURNED AT 2:24 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, APRIL 6, 2016, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:EE:jg