

**MINUTES
HEARING OFFICER
October 16, 2019**

**Public Meeting 6:00 P.M.
175 North Garfield Avenue
Permit Center Hearing Room, 1st Floor
Meeting Started: 6:00 P.M.
Meeting Adjourned: 7:00 P.M.**

Hearing Officer Present: Paul Novak
Acting Zoning Administrator: Beilin Yu
Staff Present: Katherine Moran, Kristen Johnston, Jennifer Driver

1. ROLL CALL AND READING OF PROCEDURES
2. PUBLIC HEARINGS

REGULAR CASES

A. CUP #6745: 34 South Raymond Avenue – Council District #6

Conditional Use Permit: To allow the on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of an existing restaurant (Bayou Shrimp).

Staff Recommendation:

- 1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, (Class 1, Existing Facilities); and
- 2) Approve the Conditional Use Permit with conditions.

Case Manager: Katherine Moran

ACTION: APPROVED WITH CONDITIONS

APPEAL DATE: OCTOBER 28, 2019

EFFECTIVE DATE: OCTOBER 29, 2019

HEARING OFFICER ACTION: The Hearing Officer decided to adopt the Environmental Determination which is an exemption and approve the project subject to findings in attachment A and conditions found in attachment B

B. CUP #6766: 105 North Hill Avenue #102 – Council District #2

Conditional Use Permit: To allow the on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of an existing restaurant (Monsieur Crepe).

Staff Recommendation:

- 1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, (Class 1, Existing Facilities); and
- 2) Approve the Conditional Use Permit with conditions.

Case Manager: Katherine Moran

ACTION: APPROVED WITH CONDITIONS

APPEAL DATE: OCTOBER 28, 2019

EFFECTIVE DATE: OCTOBER 29, 2019

HEARING OFFICER ACTION: The Hearing Officer decided to adopt the Environmental Determination which is an exemption and approve the project subject to findings in attachment A and conditions found in attachment B

C. MCUP #6731: 781 South Grand Avenue – Council District #6

- 1) Minor Conditional Use Permit: To allow the relocation of an existing two-story, single-family residence (originally located at 164 Chestnut Street) identified as an eligible historic resource;
- 2) Variance for Historic Resources: To allow relief from the single-family residential parking requirement, where the Zoning Code requires two-covered parking spaces, with the project proposing no covered parking;
- 3) Variance for Historic Resources: To allow relief from the 28-foot maximum allowable height, with a proposed principal structure height of 29'-5"; and
- 4) Variance for Historic Resources: To allow relief from the encroachment plane requirement for principal structures, where the Zoning Code limits a projecting feature to encroach up to 36-inches.

Staff Recommendation:

- 1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures); and
- 2) Approve the Minor Conditional Use Permit and three Variances for Historic Resources with conditions.

Case Manager: Kristen Johnston

ACTION: APPROVED WITH CONDITIONS

APPEAL DATE: OCTOBER 28, 2019

EFFECTIVE DATE: OCTOBER 29, 2019

HEARING OFFICER ACTION: The Hearing Officer decided to adopt the Environmental Determination which is an exemption and **approve** the project subject to findings in attachment A and conditions found in attachment B

D. CE #356: 1450 Capinero Drive/412 Glen Holly Drive – Council District #6

- 1) Certificate of Exception: A lot line adjustment between two adjacent parcels [Parcel A: 1450 Capinero Drive and Parcel B: 412 Glen Holly Drive] within the RS-6-HD-SR (Single-Family Residential, 0-6 dwelling units per acre, San Rafael, Hillside Overlay District) zoning district. The proposal would take 688 square feet from Parcel B and add it to Parcel A. The request will result in Parcel A at 6,632 square feet, and Parcel B at 6,041 square feet.
- 2) Variance: To allow a lot nonconforming in size to continue to be less than the minimum required lot area of 7,200 square feet for Parcel A;
- 3) Variance: To allow a lot nonconforming in size to be further reduced to less than the minimum required lot area of 7,200 square feet for Parcel B;
- 4) Variance: To allow a lot with a nonconforming in size single-family residence to continue to be nonconforming in size on Parcel A; and
- 5) Variance: To allow a lot with a conforming in size single-family residence to be made nonconforming in size on Parcel B.

Staff Recommendation:

- 1) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and
- 2) Approve the Certificate of Exception and Variances with conditions.

Case Manager: Jennifer Driver

ACTION: APPROVED WITH CONDITIONS

APPEAL DATE: OCTOBER 28, 2019

EFFECTIVE DATE: OCTOBER 29, 2019

HEARING OFFICER ACTION: The Hearing Officer decided to adopt the Environmental Determination which is an exemption and **approve** the project subject to findings in attachment A and conditions found in attachment B

E. Mod to CUP #5471: 96 E. Colorado Blvd – Council District #6

- 1) Modification to Conditional Use Permit #5471: Conditional Use Permit #5471 was approved in August 2011 to allow the sale of full alcohol in conjunction with the operation of an existing restaurant (Choza Mama). The current application requests changes to two conditions of approval: Condition #14 to permit the charging of a cover charge, and condition #15 to permit live entertainment.
- 2) Expressive Use Permit: To allow the addition of two 96 square-foot performance areas and a dance floor. These improvements reclassifies the business as a Nightclub, and an Expressive Use Permit is required to establish a Nightclub use.
- 3) Variance: To allow the new nightclub use to be located within 250 feet from bars and taverns, billiard parlors with alcohol service, and nightclubs. The property is located within the AD-1 Overlay District, which requires nightclubs with alcohol service to be separated from similar uses by a minimum of 250 feet.

Staff Recommendation:

- 1) Find that the project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(5); Administrative Code, Title 14, Chapter 3, §15270(a), Projects Which are Disapproved; and
 - 2) Disapprove the Conditional Use Permit, Expressive Use Permit, and Variance
- Case Manager: Beilin Yu


ACTION: DISAPPROVED

APPEAL DATE: NOVEMBER 4, 2019

EFFECTIVE DATE: NOVEMBER 5, 2019

HEARING OFFICER ACTION: The Hearing Officer decided to take this case under advisement, and on October 24, 2019 decided to adopt the Environmental Determination which is an exemption and **disapprove** the project subject to findings in attachment A

3. ADJOURNMENT



Beilin Yu, Zoning Administrator



Patricia De La Torre, Recording Secretary

