

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Council Chambers - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, June 19, 2024 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Joanna Cortez

**STAFF MEMBER:** Madalyn Welch, Wayne Carvalho, Marco Cuevas Jr., Simin Zakavand, Michelle Romero

**PUBLIC COMMENTS:** **NONE**

**ITEM 1: CONDITIONAL USE PERMIT NO. 23-014 (HBCSD MAINTENANCE AND OPERATIONS BUILDING):**

**APPLICANT:** Chris Garcia for Tony Pacheco-Taylor, 424 32nd Street, Newport Beach, CA 92663

**PROPERTY OWNER:** Huntington Beach City School District, 8750 Dorsett Drive, Huntington Beach, CA 92648

**REQUEST:** To construct an approximately 7,510 sq. ft. maintenance and operations building at an overall height of 17'-6" at an existing school district office site.

**ENVIRONMENTAL STATUS:** This request is covered by Categorical Exemption Class 1, Section 15301 and Class 3, Section 15303 of the California Environmental Quality Act.

**LOCATION:** 8750 Dorsett Drive (South of Dorsett Drive, between Poston Lane and Miramar Lane)

**CITY CONTACT:** Madalyn Welch

Madalyn Welch, Senior Planner, displayed project plans 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. Staff received three written public comments on this item. Staff stated all proposed modifications to conditions of approval. Staff noted that the applicant served as the lead agency for CEQA.

Staff cited that the project was presented to the Design Review Board and they recommended moving the proposed building an additional 20 feet to the east to keep it as far from the residential properties as possible and to eliminate excessive free space to discourage outdoor operations. The board also recommended adding a condition for a block wall along the western property line at 8 feet in height with decorative material/mature landscaping and graffiti resistant material. In addition, that lighting be added on the proposed wall along the public access walkway that is used for accessing Edison Park through the neighborhood, and to avoid congregation and promote safety. They also recommended on the western elevation of the proposed building to change material from metal to a material that is complimentary to the residential area.

Joanna Cortez, Zoning Administrator, had no questions for staff.

## **THE PUBLIC HEARING WAS OPENED.**

Brian Whitmore, on behalf of the architect, stated that the proposed location of site is needed for the purpose of maximizing operations and that the applicant is considerate to neighbors with noise levels and that doors are soundproof.

Jenny Delgado, Assistant Superintendent, stated that the building will provide interior space for work and be a centralized hub for supplies.

Cheryl De Marco, local architect, expressed concern with exemption from CEQA, proposed setbacks, location of the building, and that they need to go through the division of state architects for an accessibility review. She stated that the district placed dirt on the property to raise the elevation and that the applicant has applied for a building permit while the application is in process. She noted that the building is under review, for something that is not conditionally approved yet.

Mark Currie, adjacent property owner, spoke in opposition to Item No. 1, citing concerns with noise nuisance, possible damage to the residential streets due the weight of work trucks, and the proposed exemption from CEQA.

Becky Granger, adjacent property owner, spoke in opposition to Item No. 1, expressing concerns with the proximity in location to her house, noise, light, exhaust from vehicle trips and maintenance equipment, height of proposed building, and HVAC units. She also stated concerns with upcoming maintenance for the proposed landscaping between the proposed building and residential properties. She noted that two years ago the district placed several hundred yards of dirt on their property, which neighbors hers, to raise the grade.

Robert Granger, adjacent property owner, spoke in opposition to Item No. 1, regarding adverse impact on their physical space and concerns with exemption from CEQA. He questioned whether all operations will be conducted indoors and/or outdoors and feels that the applicant is not being transparent with their proposed request.

Brian Whitmore, on behalf of the architect, addressed the speakers concerns, with zoning and clarified that the applicant is not subject to go through a review for accessibility with the division of state architects because it will be part of the building department review. Stated that the applicant is meeting setback requirements and added that the proposed structure is metal and will be insulated for operations to occur inside so that noise is mitigated.

Mark Manstorf, Director of Facilities, Maintenance, Operations, and Transportation for the district, addressed the speakers concerns, with hours of operation, operations throughout the day on the proposed property, facility will be used to store supplies, and school staff will work on the parking lot of proposed area to do minor wood and welding jobs.

Ms. Cortez restated to the applicant that the proposed daily hours of operation 7 a.m. – 4 p.m. All operations will occur indoors and comply with the noise ordinance of the city.

Dwayne Mears, Principal of Placeworks, commented that after reviewing the project, it would fall under a Class 3 exemption and explained they would be moving existing operations within a building. The building will be located on the westside of the property and that itself will provide a noise barrier and operations will be conducted in the building which will mitigate noise for adjacent residents.

Don Albrecht, adjacent property owner, expressed concerns regarding the height, material, and reflective light of proposed project. Stated that the proposed building will be a possible target for graffiti.

Evan Sorenson, adjacent property owner, commented on his concerns with height of the wall being raised to 8 feet, questioned if the building will have HVAC, and the applicant's transparency with their request.

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

Ms. Cortez sympathized with the residents, noting that reviewing the proposed findings and recommendations for the proposed project, all residents will still be affected depending on how its configured. She stated that the proposed setback greater than what is required will benefit the residents to the west along with heavy landscaping which would be conditioned to be located on the proposed property and maintained to avoid spillage onto neighboring properties. The combination of the proposed setback, height of the walls, and landscaping will help soften the look and create a noise buffer. Proposed limited hours of operations will help enforce the noise ordinance. This permit will add enforceable conditions and will bring the applicant closer to conformance versus what is currently on the existing property.

Ms. Cortez stated that she would approve the request along with many modifications to conditions of approval.

- Finding No. 1; Ms. Cortez made an amendment to reduce the block wall to a maximum of 6 feet due to existing retaining walls and difference in grade.
- Ms. Cortez removed condition 1a which proposed moving the building further 20 feet east. She also added that the proposed block wall, which was recommend along the entire east property line, shall be limited to the project area at six ft. in height. She stated that the proposed block wall be decorative with graffiti resistance material with landscape on the building site.
- She amended condition 1b, so that the applicant must submit a lighting plan to help promote safety, ensuring that there is no spillage onto the adjacent residential properties.
- Ms. Cortez removed condition 1f, which stated the back of the building be of residential type material, due to the wall material being painted, having the walls taller than six feet, and mature landscaping.
- She amended condition 2a which states that there shall be no outdoor vehicle storage, vehicle parts, equipment or trailers other than vehicles incidental to the maintenance facility use.
- Ms. Cortez added to condition 2c and limited hours of operation 7am – 4pm daily.
- She amended condition 2d to help create a visual buffer. She stated that the landscaping along the western side of the proposed building shall be maintained regularly to ensure that there will be no debris spillage onto adjacent properties. The landscaping shall be substantial and demonstrate a quantity and variation of plants and trees, of at least 36 in. box size.
- She added condition 5b that prior to further review and plan check, all conditions which were amended be reviewed and approved by the Community Development Department.

**CONDITIONAL USE PERMIT NO. 23-014 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 sections 15301 and 15303 of the CEQA Guidelines, as the project consists of minor alterations of existing public structures and facilities involving negligible or no expansion of existing or former use; and the construction and location of limited numbers of new, small facilities and small equipment in small structures.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 23-014:**

1. Conditional Use Permit No. 23-014 to construct an approximately 7,510 sq. ft. maintenance and operations building at an overall height of 17 ft.-6 in. at an existing school district office site 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 because it involves an addition in structures which are similar to what already exists on site in terms of design, colors, materials, and function and the proposed project is consistent with the General Plan land use and zoning designations. The project will construct a one-story maintenance and operations building for the school district that has been designed to minimize impacts to surrounding properties. The height of the proposed building (one story, 17 ft.-6 in.) would be consistent with other one-story buildings on site and within the vicinity. The project was reviewed by the Design Review Board and recommendations were added as suggested conditions of approval with regards to design of the project to minimize the impact to the surrounding residents. The construction of a six-foot block wall at the western property line where the project area is located, substantial landscaping between the western property line and the proposed building, and the proposed architectural elements on the western façade will minimize the impact on the surrounding properties. The primary use of the building will be for storage of materials with minimal maintenance work and office all conducted within the proposed building to minimum noise impacts. The proposed building will be oriented east, towards the middle of the subject site to further minimize potential noise impact to surrounding uses.
2. The granting of the Conditional Use Permit No. 23-014 to construct an approximately 7,510 sq. ft. maintenance and operations building at an overall height of 17 ft.-6 in. will not adversely affect the General Plan because the maintenance and operations use is consistent with the Land Use Element designation of Public Semipublic (PS) 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-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1(A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Goal LU-2: New development preserves and enhances a distinct Surf City identity, culture, and character in neighborhoods, corridors, and centers.

Policy LU-2(B): Ensure that new and renovated structures and building architecture and site design are context-sensitive, creative, complementary of the city's beach culture, and compatible with surrounding development and public spaces.

The proposed project will develop a maintenance and operations building on a site that is currently used for the Huntington Beach City School District offices that is consistent with permitted uses in the PS land use designation and is consistent with the other existing buildings on site. The proposed project will also improve the aesthetic appearance of the site that will exhibit a design that is in keeping with the character of the existing site with elements added that support the architectural style of the surrounding residential area. The design of the project, including the façade breaks provided by the use of varied colors and materials and architectural elements that are compatible with the surrounding area, will enhance the appearance of the building and improve the character of the site. The proposed building will be oriented to face the interior of the site, away from the adjacent single family residential properties. The one-story height of the building will also be consistent with other one-story properties on site and in the surrounding vicinity.

3. Conditional Use Permit No. 23-014 to construct an approximately 7,510 sq. ft. maintenance and operations building at an overall height of 17 ft.-6 in. at an existing school district office site 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) and any specific condition required for the proposed use in the district in which it would be located because the project complies with development standards pertaining to height, setbacks, floor area ratio, minimum landscaping requirements, and parking. Additionally, the proposed development and use is permitted in the PS (Public Semipublic) zone, subject to conditional use permit approval, pursuant to Section 214.06 of the HBZSO – PS District Land Use Controls.

#### **CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 23-014**

1. The site plan, floor plans, elevations, and colors/materials board received and dated April 10, 2024 shall be the conceptually approved design with the following modifications:
  - a. A six-foot high, decorative concrete wall shall be added along the portion of the western property line at the project area, approximately 265 linear feet. The block wall shall be of graffiti resistant material, subject to approval by the Community Development department.
  - b. Lighting shall be added along the walkway located along the western property line at the rear of the site, used for accessing Edison Park. A photometric lighting plan shall

be submitted and subject to review and approval by the Community Development Department to ensure there will be no spillage onto adjacent residential properties.

- c. The plans shall reflect landscaping between the proposed building and the adjacent residential properties. Proposed landscaping shall comply with Condition No. 2.d of CUP No. 23-014.

2. The use shall comply with the following:

- a. There shall be no outdoor vehicle storage, vehicle parts, equipment or trailers other than vehicles incidental to the maintenance facility use.
  - b. All operations shall be conducted within the interior of the building. Outdoor operations shall be prohibited unless a plan amendment is approved by the City of Huntington Beach.
  - c. Hours of Operation shall be limited to 7:00 AM – 4:00 PM, daily, and shall adhere to Chapter 8.40, Noise Control, of the Huntington Beach Municipal Code including, but not limited to: Loud noises shall comply with Noise Control requirements such as make or allow to be made any noise which continues for more than a five-minute period between the hours of 10:00 p.m. and 7:00 a.m. if such noise is audible for 50 feet or more from the source of the noise and when within 200 feet of residences, load, unload, open, close or other handling of boxes, crates, containers, building materials, refuse handling or similar objects, between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a noise-sensitive property line. This includes, but is not limited to, noise disturbances related to commercial delivery operations, vehicle idling, vehicle queuing, vehicle backup alarms, and vehicle refrigeration equipment. **(Municipal Code 8.40.112)**
  - d. The landscaping along the western side of the proposed building shall be maintained regularly to ensure there will be no debris spillage onto adjacent properties and to serve as a landscaping buffer at all times. The landscaping shall be substantial and demonstrate a quantity and variation of plants and trees, of at least 36 in. box size, to properly serve as a visual buffer of the proposed maintenance building.
3. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.
4. Prior to submittal of building permits, zoning entitlement conditions of approval 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.
5. The structure cannot be occupied and 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, except as provided for by the conditions of approval.
  - 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.
  - d. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Community Development Department for review and approval. **(HBZSO 232.04)**
6. New signage shall be reviewed under separate permits and applicable processing.
  7. Prior to approval of building permits, submittal of an Address Assignment will be required for the new proposed building on site, along with the corresponding application processing fee as established on the fee schedule. **(City Specification No. 409)**
  8. Conditional Use Permit No. 23-014 shall not become effective until the ten-calendar day appeal period has elapsed.
  9. Conditional Use Permit No. 23-014 shall become null and void unless exercised within two (2) 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.
  10. 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.
  11. The Development Services Departments and divisions (Building, 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission 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. 23-034/COASTAL DEVELOPMENT PERMIT NO. 24-004 (ZACK'S TOO OUTDOOR DINING AND ALCOHOL SALES):**

APPLICANT: Phil L Edmondson, Pacific Coast Architects, 305 Orange Ave., Suite B, Huntington Beach, CA 92648

PROPERTY OWNER: City of Huntington Beach, 2000 Main St. Huntington Beach, CA 92648

REQUEST: To permit an approximately 1,200 sq. ft. outdoor dining area with alcohol sales (Type 41 ABC License), and new signage at an existing beach concession (Zack's Too).

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Class 1, Section 15301, Existing Facilities of the California Environmental Quality Act.

LOCATION: 21579 PCH (south side of PCH, west of Beach Blvd.)

CITY CONTACT: Wayne Carvalho

Wayne Carvalho, Contract Senior Planner, displayed project plans 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. Staff proposed to add a condition that the new signage be installed by September 1, 2024. Staff received no public comments on the proposed project.

Joanna Cortez, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Phil L. Edmondson, applicant, had no comments or concerns with staff's recommendations.

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

Ms. Cortez stated that she would approve the request as recommended by staff with the added modification of conditions for the new signage to be installed by September 1, 2024.

**CONDITIONAL USE PERMIT NO. 23-034 AND COASTAL DEVELOPMENT PERMIT NO. 24-004 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED 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 expansion of an outdoor dining area at an existing beach concession that does not involve hazardous substances, where all necessary public services and facilities are available, the surrounding area is not environmentally sensitive and will not exceed 10,000 sq. ft.



## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 23-034:**

1. Conditional Use Permit No. 23-034 to permit the construction of an approximately 1,200 sq. ft. outdoor dining patio, including a new fencing barrier, and allow the sales, service, and consumption of beer and wine (ABC Type 41 license) 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 because the beach concession use already exists and the new outdoor dining area, fencing barrier, and associated colors and materials are designed to be compatible in aesthetics and scale with the adjoining public bathroom building, beach path and public beach. The fencing barrier surrounding the outdoor dining area will be substantially open, which will minimize the visual mass and bulk of the patio area, while providing line of sight visibility for public safety. The outdoor dining patio area is also oriented toward the public boardwalk, further activating the pedestrian and bicycle paths and supporting expanded visitor serving commercial uses within District 7 of the Downtown Specific Plan. The existing beach concession building is oriented west, facing the public bike path and Pacific Ocean, along a primary access corridor connecting the beach areas with the Downtown commercial district and surrounding mixed-use and residential neighborhoods. There are no adjacent residential uses, and as such, the sale, service and consumption of alcohol within the outdoor dining area is not anticipated to generate additional noise, traffic, or impacts above existing conditions. Furthermore, the City of Huntington Beach Police Department has reviewed the request for alcohol service within the outdoor patio area and has provided conditions of approval from Resolution No. 17-42, which regulate the use and manner in which alcohol may be sold and consumed on-site.
2. The granting of Conditional Use Permit No. 23-034 to permit the construction of an approximately 1,200 sq. ft. outdoor dining patio, including a new fencing barrier, and allow the sales, service, and consumption of alcohol (ABC Type 41 license) will not adversely affect the General Plan because it is consistent with the OS-S-sp (Open Space – Shore – Specific Plan Overlay) Land Use Element designation 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-11:** Commercial land uses provide goods and services to meet regional and local needs.

**Policy LU-11 (A):** Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

**Policy LU-1(D):** Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

The request will expand the range of goods and services provided in the area by permitting the ancillary sale of beer and wine in conjunction with an existing eating and drinking establishment in a safe manner for customers from the surrounding area. The proposed outdoor patio will be located in front of an existing eating and drinking establishment, which itself is situated adjacent along the existing public beach pedestrian and bicycle path within the Downtown beach area with adequate accessibility. Conditions from Resolution 2017-42 have been added to the request to limit the use and manner in which alcohol may be sold and consumed on-site to ensure that the proposed use will be compatible with the surrounding

uses while providing a service that meets the needs of the community and expands tax revenue. Further, the project compliments the city's beach culture and identity in a way that is compatible with surrounding uses.

3. Conditional Use Permit No. 23-034 to permit the construction of an approximately 1,200 sq. ft. outdoor dining patio, including a new fencing barrier, and allow the sales, service, and consumption of alcohol (ABC Type 41 license) 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) because as conditioned, the project complies with parking, building setbacks, building height, urban design guidelines. Expansions to beach concession stands are permitted by recommendation of the Design Review Board, and alcohol sales, service, and consumption is permitted with the approval of a conditional use permit.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 23-004:**

1. Coastal Development Permit No. 23-004 to permit the construction of an approximately 1,200 sq. ft. outdoor dining patio, including a new fencing barrier, and allow the sales, service, and consumption of alcohol (ABC Type 41 license) conforms with the General Plan, including the Local Coastal Program because the project is consistent with the Coastal Element Land use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed development will occur entirely on a developed site, contiguous to existing visitor-serving commercial development.
2. Coastal Development Permit No. 23-004 to permit the construction of an approximately 1,200 sq. ft. outdoor dining patio, including a new fencing barrier, and allow the sales, service, and consumption of alcohol (ABC Type 41 license) is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project will comply with all applicable development regulations, including maximum building height, minimum setbacks, parking, and urban design guidelines.
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 because Coastal Development Permit No. 23-004 to permit the construction of an approximately 1,200 sq. ft. outdoor dining patio, including a new fencing barrier, and allow the sales, service, and consumption of alcohol (ABC Type 41 license) is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 23-004 to permit the construction of an approximately 1,200 sq. ft. outdoor dining patio, including a new fencing barrier, and allow the sales, service, and consumption of alcohol (ABC Type 41 license) conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

#### **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 23-034 & COASTAL DEVELOPMENT PERMIT NO. 23-004:**

1. The site plan, floor plans, elevations, and colors and materials received and dated April 26, 2024 shall be the conceptually approved layout with the following modification:

- a. The signs shall incorporate a coastal design element. The final design of signs, including the fonts shall be approved by the Director of Community Development (DRB condition)
- b. The new signs shall be installed by September 1, 2024.

2. The use shall comply with the following:

- a. The business shall obtain an Alcohol Beverage Control (ABC) license authorizing alcohol use in the business and outdoor patio. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**
- b. All areas of the alcohol business that are accessible to patrons shall be illuminated such that the appearance and conduct of all people in the alcohol business are visible from inside the alcohol business. **(PD)**
- c. Food service from the regular menu must be available to patrons up to one hour before the scheduled closing time, including a cook and food servers shall be on duty. **(PD)**
- d. An employee of the alcohol business must monitor all areas where alcohol is served. **(PD)**
- e. Alcoholic drinks shall not be included in the price of admission. **(PD)**
- f. All alcohol shall remain within alcohol business premises, including outdoor dining area. **(PD)**
- g. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- h. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- i. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(PD)**
- j. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m. **(PD)**
- k. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- l. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is not permitted. **(PD)**
- m. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 60 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**

- n. All owners, employees, representatives, and agents must obey all federal, state, and local laws. In addition, all conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by an agency with jurisdiction over the premise are required as part of the CUP to be followed. **(PD)**
  - o. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, and exits, parking areas to the front and adjacent to the business 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 personnel conducting investigations. An employee able to operate the system on shall be duty during all business hours. **(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. Exclusion: Itemized alcohol beverage items listed on menu boards which are permanently affixed to the interior or exterior of the building are allowed. **(PD)**
  - q. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
  - r. Signs shall be posted in conspicuous locations at the entrance/exit points of the patio, which shall state "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
  - s. Dancing and/or dance floor and/or live entertainment is prohibited. (Note: a new or amended Conditional Use Permit and an Entertainment Permit issued by the City is required for these additional activities). **(PD)**
  - t. No alcoholic beverages shall be consumed on any property adjacent to the premises under the control of the licensee. **(PD)**
  - u. The patio shall have a physical barrier minimum 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
  - v. No dining or consumption of alcoholic beverages shall be permitted in the outdoor patio areas between the hours of 10:00 PM and 7:00 AM. **(PD)**
- 3. Prior to submittal of building permits, zoning entitlement conditions of approval 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.
  - 4. 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.
5. Conditional Use Permit No. 23-034 and Coastal Development Permit No. 23-004 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval or 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 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.
  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.

**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. 23-031/COASTAL DEVELOPMENT PERMIT NO. 24-007 (ZACK'S PIER PLAZA):**

APPLICANT:	Phillip L. Edmondson, Pacific Coast Architects, 305 Orange Ave., Suite B, Huntington Beach, CA 92648
PROPERTY OWNER:	City of Huntington Beach, 2000 Main St., Huntington Beach, CA 92648
REQUEST:	To permit an approximately 875 sq. ft. outdoor dining patio, including fencing barrier for the sales, service and consumption of

alcohol (Type 41 License), an approximately 664 sq. ft. enclosed storage area, and new murals and signage.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Class 1, Section 15301, Existing Facilities, of the California Environmental Quality Act.

LOCATION: 405 Pacific Coast Highway (Oceanside of PCH, north of the Municipal Pier)

CITY CONTACT: Wayne Carvalho

Wayne Carvalho, Contract Senior Planner, displayed project plans 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. Staff proposed to add a condition that the new signage be installed by September 1, 2024 and that revised drawings be submitted to depict the accurate location of the existing outdoor dining area. Staff received no public comments on the proposed project.

Joanna Cortez, Zoning Administrator, had no questions for staff.

#### **THE PUBLIC HEARING WAS OPENED.**

Phil L. Edmondson, applicant, had no comments or concerns with staff's recommendations.

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

Ms. Cortez stated that she would approve the request as recommended by staff with the proposed and modified conditions of approval.

**CONDITIONAL USE PERMIT NO. 23-031 AND COASTAL DEVELOPMENT PERMIT NO. 24-007 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED 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 expansion of an outdoor dining area at an existing beach concession that does not involve hazardous substances, where all necessary public services and facilities are available, the surrounding area is not environmentally sensitive and will not exceed 10,000 sq. ft.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 23-031:**

1. Conditional Use Permit No. 23-031 to permit the construction of an approximately 875 sq. ft. outdoor dining patio, including a fencing barrier for the sales, service, and consumption of alcohol (ABC Type 41 license), an approximately 664 sq. ft. enclosed storage area, and new murals and signage 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 because the beach concession use already exists and the new outdoor dining

area, fencing barrier, enclosed storage area, murals, signs, and associated colors and materials are designed to be compatible in aesthetics and scale with the other structures and facilities along the beach path and public beach. The fencing barrier surrounding the outdoor dining area will be substantially open, which will minimize the visual mass and bulk of the patio area, while providing line of sight visibility for public safety. The outdoor dining patio area and murals are oriented toward the public boardwalk, further activating the pedestrian and bicycle paths and supporting expanded visitor serving commercial uses within District 7 of the Downtown Specific Plan. The existing beach concession building is oriented west, facing the public bike path and Pacific Ocean, along a primary access corridor connecting the beach areas with the Downtown commercial district and surrounding mixed-use and residential neighborhoods. The new business identification signs will replace existing nonconforming signs. There are no adjacent residential uses, and as such, the sale, service and consumption of alcohol within the outdoor dining area is not anticipated to generate additional noise, traffic, or impacts above existing conditions. Furthermore, the City of Huntington Beach Police Department has reviewed the request for alcohol service within the outdoor patio area and has provided conditions of approval from Resolution No. 17-42, which regulate the use and manner in which alcohol may be sold and consumed on-site.

2. The granting of Conditional Use Permit No. 23-031 to permit the construction of an approximately 875 sq. ft. outdoor dining patio, including a fencing barrier for the sales, service, and consumption of alcohol (ABC Type 41 license), an approximately 664 sq. ft. enclosed storage area, and new murals and signage will not adversely affect the General Plan because it is consistent with the OS-S-sp (Open Space – Shore – Specific Plan Overlay) Land Use Element designation 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-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

The request will expand the range of goods and services provided in the area by permitting the ancillary sale of beer and wine in conjunction with an existing eating and drinking establishment in a safe manner for customers from the surrounding area. The proposed outdoor patio will be located in front of an existing eating and drinking establishment, which itself is situated adjacent along the existing public beach pedestrian and bicycle path within the Downtown beach area with adequate accessibility. Conditions from Resolution 2017-42 have been added to the request to limit the use and manner in which alcohol may be sold and consumed on-site to ensure that the proposed use will be compatible with the surrounding uses while providing a service that meets the needs of the community and expands tax revenue. Further, the project complements the city's beach culture and identity in a way that is compatible with surrounding uses.

3. Conditional Use Permit No. 23-031 to permit the construction of an approximately 875 sq. ft. outdoor dining patio, including a fencing barrier for the sales, service, and consumption of alcohol (ABC Type 41 license), an approximately 664 sq. ft. enclosed storage area, and new murals and signage 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) because as conditioned, the project complies with parking, building setbacks, building height, urban design guidelines. Expansions and modifications to beach concessions are permitted by recommendation of the Design Review Board, and alcohol sales, service, and consumption is permitted with the approval of a conditional use permit.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 24-007:**

1. Coastal Development Permit No. 24-007 to permit the construction of an approximately 875 sq. ft. outdoor dining patio, including a fencing barrier for the sales, service, and consumption of alcohol (ABC Type 41 license), an approximately 664 sq. ft. enclosed storage area, and new murals and signage conforms with the General Plan, including the Local Coastal Program because the project is consistent with the Coastal Element Land use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed development will occur entirely on a developed site, contiguous to existing visitor-serving commercial development.
2. Coastal Development Permit No. 24-007 to permit the construction of an approximately 875 sq. ft. outdoor dining patio, including a fencing barrier for the sales, service, and consumption of alcohol (ABC Type 41 license), an approximately 664 sq. ft. enclosed storage area, and new murals and signage is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project will comply with all applicable development regulations, including maximum building height, minimum setbacks, parking, and urban design guidelines.
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 because Coastal Development Permit No. 24-007 to permit the construction of an approximately 875 sq. ft. outdoor dining patio, including a fencing barrier for the sales, service, and consumption of alcohol (ABC Type 41 license), an approximately 664 sq. ft. enclosed storage area, and new murals and signage is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 24-007 to permit the construction of an approximately 875 sq. ft. outdoor dining patio, including a fencing barrier for the sales, service, and consumption of alcohol (ABC Type 41 license), an approximately 664 sq. ft. enclosed storage area, and new murals and signage conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

#### **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 23-031 & COASTAL DEVELOPMENT PERMIT NO. 24-007:**

1. The site plan, floor plans, elevations, and colors and materials received and dated June 6, 2024 shall be the conceptually approved layout with the following modification:



- a. The new business identification signs shall incorporate a coastal design element. The final design of signs, including the fonts shall be approved by the Director of Community Development **(DRB)**
  - b. The new signs shall be installed by September 1, 2024.
  - c. Revised drawings shall be submitted to the Department of Community Development depicting an accurate location of the existing outdoor area.
2. The proposed enclosed storage area shall be subject to the following:
- a. The Design Review Board (DRB) shall review the final design, including architecture, colors and materials. The DRB shall forward its recommendation to the Director of Community Development for final review and approval.
  - b. Conceptual drawings shall be submitted for DRB review and recommendation by September 1, 2024 utilizing the same Planning Application No. PA-2023-0123.
  - c. A full set of working drawings of the enclosed storage addition (and applicable building permit applications) shall be submitted for Building Plan Check review within 60 days of the final conceptual approval by the Director of Community Development.
  - d. The existing storage structure shall be removed at the time building permits are issued for the permanent enclosed storage addition.
3. The use shall comply with the following:
- a. The business shall obtain an Alcohol Beverage Control (ABC) license authorizing alcohol use in the business and outdoor patio. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**
  - b. All areas of the alcohol business that are accessible to patrons shall be illuminated such that the appearance and conduct of all people in the alcohol business are visible from inside the alcohol business. **(PD)**
  - c. Food service from the regular menu must be available to patrons up to one hour before the scheduled closing time, including a cook and food servers shall be on duty. **(PD)**
  - d. An employee of the alcohol business must monitor all areas where alcohol is served. **(PD)**
  - e. Alcoholic drinks shall not be included in the price of admission. **(PD)**
  - f. All alcohol shall remain within alcohol business premises, including outdoor dining area. **(PD)**
  - g. Customers may not carry alcoholic beverages from the walk-up order window to the outdoor dining area themselves. An employee of the business must deliver the alcoholic beverages to the customers within the patio. **(PD)**
  - h. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**

- i. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- j. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(PD)**
- k. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m. **(PD)**
- l. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- m. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is not permitted, except when training for knowledge of food pairing, if applicable. **(PD)**
- n. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 60 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
- o. All owners, employees, representatives, and agents must obey all federal, state, and local laws. In addition, all conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by an agency with jurisdiction over the premise are required as part of the CUP to be followed. **(PD)**
- p. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, and exits, parking areas to the front and adjacent to the business 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 personnel conducting investigations. An employee able to operate the system on shall be duty during all business hours. **(PD)**
- q. 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. Exclusion: Itemized alcohol beverage items listed on menu boards which are permanently affixed to the interior or exterior of the building are allowed. **(PD)**
- r. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- s. Signs shall be posted in conspicuous locations at the entrance/exit points of the patio, which shall state "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
- t. Dancing and/or dance floor and/or live entertainment is prohibited. (Note: a new or amended Conditional Use Permit and an Entertainment Permit issued by the City is required for these additional activities). **(PD)**

- u. No alcoholic beverages shall be consumed on any property adjacent to the premises under the control of the licensee. **(PD)**
  - v. The patio shall have a physical barrier minimum 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
  - w. No dining or consumption of alcoholic beverages shall be permitted in the outdoor patio areas between the hours of 10:00 PM and 7:00 AM. **(PD)**
  - x. Freestanding signs, including but not limited to banners, feather banners, and A-frame signs shall be strictly prohibited unless a city-approved permit is obtained.
4. Prior to submittal of building permits, zoning entitlement conditions of approval 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.
  5. 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.
  6. Conditional Use Permit No. 23-031 and Coastal Development Permit No. 24-007 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval or 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.
  7. 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.
  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.

#### **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. 24-006/LOT LINE ADJUSTMENT NO. 24-001 (HONG RESIDENCE):**

APPLICANT:	Armando Dupont, 411 Jenks Circle, Suite 205, Corona CA 92878
PROPERTY OWNER:	Berkman Hong, 16252 Tisbury Circle, Huntington Beach, CA 92649
REQUEST:	To adjust a lot line between two adjoining parcels/lots located at 16246 Tisbury Circle (Parcel A/Lot 46) and 16252 Tisbury Circle (Parcel B/Lot 45) to create a single consolidated 12,555 sq. ft. lot/parcel located within the Coastal Zone.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Class 1, Section 15301, Existing Facilities, of the California Environmental Quality Act.
LOCATION:	16252 Tisbury Circle, 92649 (Near the terminus of Tisbury Circle)
CITY CONTACT:	Marco Cuevas Jr.

Marco Cuevas Jr., Associate Planner, displayed project plans 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. Staff received no public comments on this item.

Joanna Cortez, Zoning Administrator, had no questions for staff.

#### **THE PUBLIC HEARING WAS OPENED.**

Leo Gonzalez, applicant's representative, had no comments or concerns with staff's recommendations.

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

Ms. Cortez stated that she would approve the request as recommended by staff.

**COASTAL DEVELOPMENT PERMIT NO. 24-006/LOT LINE ADJUSTMENT NO. 24-001 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED 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 Sections 15305 of the CEQA Guidelines because the project consists of a minor lot line adjustment resulting in the consolidation of two adjoining parcels.

### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 24-006:**

1. Coastal Development Permit No. 24-006 to adjust a lot line between two adjoining parcels/lots located at 16246 Tisbury Circle (Parcel A/Lot 46) and 16252 Tisbury Circle (Parcel B/Lot 45) into a single consolidated lot/parcel in the Coastal Zone to consolidate into a single parcel, conforms with the General Plan, including the Local Coastal Program, because the project is consistent with the Coastal Element Land Use Policy C 1.1.1, which encourages new development within, contiguous to, or in close proximity to adjoining developed areas able to accommodate it. The proposed lot line adjustment will merge two adjoining parcels into a single lot on entirely developed sites, contiguous to adjoining single-family residential development.
2. Coastal Development Permit No. 24-006 to adjust a lot line between two adjoining parcels/lots (16252 and 16246 Tisbury Circle) in the Coastal Zone into a single parcel, is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project, as proposed, will comply with all applicable development regulations.
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 because Coastal Development Permit No. 24-006 to adjust a lot line between two adjoining parcels/lots (16252 and 16246 Tisbury Circle) in the Coastal Zone to consolidate two contiguous lots, is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 24-006 to adjust a lot line between two adjoining parcels/lots (16252 and 16246 Tisbury Circle) located in the Coastal Zone to consolidate into a single parcel, conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

### **FINDINGS FOR APPROVAL – LOT LINE ADJUSTMENT NO. 24-001**

1. The granting of Lot Line Adjustment No. 24-001 to remove a common property line and consolidate two existing parcels to create a single 12,555 sq. ft. parcel will not create any additional parcels or building sites.
2. The resulting parcel alignment will conform to Titles 20-24 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because it will comply with the requirements for minimum area, width, and frontage.
3. The lot line adjustment will not sever any existing structure on the resulting parcel because the existing single-family structure and adjoining expansive garden area will remain.

4. The lot line adjustment to remove a common property line and consolidate two existing parcels to create a single 12,555 sq. ft. parcel will not allow a greater number of dwelling units than allowed prior to the adjustment because currently there is one single-family dwelling unit on the subject site. This will not affect the removal of the subject underlying lot line. Based on the lot size and zoning district, the maximum permitted development density remains one unit per 6,000 sq ft.
5. A plat map showing the lot line adjustment has been prepared and approved and will be filed in accord with the provisions of Section 253.24 of the HBZSO.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 24-006/LOT LINE ADJUSTMENT NO. 24-001:**

1. The site plan, floor plans, and elevations received and dated December 13, 2023, shall be the conceptually approved design.
2. The lot line adjustment form shall be submitted to the Public Works Department for final review and modified as necessary pursuant to the requirements of the Public Works Department prior to recordation.
3. All improvements must be completed in accordance with approved plans.
4. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
5. 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.
6. Coastal Development Permit No. 24-006 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 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.

**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: CONDITIONAL USE PERMIT NO. 23-030 (RANCHO VIEJO MEXICAN RESTAURANT ALCOHOL):**

APPLICANT:	Javier Islas, 15471 Edwards Street, Suite F, Huntington Beach, CA 92647
PROPERTY OWNER:	Quan, Stephen & S and P Family Trust, PO Box 2222
REQUEST:	To allow an on-site sale, services, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,056-square-foot restaurant space
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Class 1, Section 15301 of the California Environmental Quality Act.
LOCATION:	15471 Edwards Street Suite F, Huntington Beach, CA 92647 (Northwest corner of W McFadden Avenue at Edwards Street)
CITY CONTACT:	Simin Zakavand

Simin Zakavand, Project Planner, displayed project plans 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. Staff received no public comments on this item.

Joanna Cortez, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Javier Islas, applicant, had no comments or concerns with staff's recommendations.

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

Mrs. Cortez stated that she would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 23-030 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 will allow for beer and wine service in an existing restaurant; the project does not involve an expansion to an existing structure or an expansion in use.

**FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 23-030:**

1. Conditional Use Permit No. 23-030, which is to allow the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,056 sq. ft. restaurant space, 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 because the use is located within an existing commercial center with other commercial uses. The use is primarily a restaurant and the request for alcohol service is ancillary to the restaurant use. The sale, service, and consumption of alcohol will be contained within the interior of the building; no outdoor dining is proposed. The sale, service, and consumption of beer and wine within the restaurant is not anticipated to generate additional noise, traffic, or impacts above existing conditions. The restaurant is oriented toward the east, facing the existing surface parking lot, with the closest residential structure located 80 feet to the west. Conditions to prohibit outdoor activities along the westerly areas of the site have been added to ensure there will be no detrimental impact to the residential adjacent properties.
2. The granting of Conditional Use Permit No. 23-030 to allow the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,056 sq. ft. sq. ft. restaurant space will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Commercial Neighborhood on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Goal LU-11: *Commercial land uses provide goods and services to meet regional and local needs.*

Policy LU-11 (A): *Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.*

The request will expand the range of goods and services provided in the area by permitting the ancillary sale of beer and wine in conjunction with an eating and drinking establishment in a safe manner for residents and customers from the surrounding area. The sale, service and consumption of beer and wine within the restaurant is not anticipated to generate additional noise, traffic, or impacts above existing conditions. The proposed establishment provides expanded goods and services to meet the needs of the area and will add to the capture of sales tax revenue. The nearest residence is located approximately 80 ft. west of the subject building. The restaurant is oriented toward the east, facing the existing surface parking lot. Conditions to prohibit outdoor activities along the westerly areas of the site have been added to ensure there will be no detrimental impact to the residential adjacent properties.

3. The granting of Conditional Use Permit No. 23-030 to allow the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,056 sq. ft. restaurant space 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) because beer and wine sales within eating and drinking establishments are a permitted use within the Commercial General zone, subject to approval of a Conditional Use Permit. The proposed restaurant establishment will be located within an existing commercial building, which conforms to applicable site development standards, including parking. The addition of beer and wine sales does not physically expand the use and therefore will not cause the restaurant to be in noncompliance with the HBZSO.



**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 23-030:**

1. The site and floor plan received and dated April 17, 2024 shall be the conceptually approved design.
2. The use shall comply with the following conditions:
  - a. The hours of operations shall be limited to:
    - Sunday to Thursday, 8:00 AM -9:00 PM
    - Friday to Saturday, 8:00 AM -10:00 PM
  - b. All exterior doors along the western areas of the restaurant shall remain closed at all times, except in case of emergency or to allow employee ingress/egress and deliveries.
  - c. The business shall obtain an Alcohol Beverage Control (ABC) Type 41 license authorizing alcohol use in the business. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**
  - d. All areas of the alcohol business that are accessible to patrons shall be illuminated such that the appearance and conduct of all people in the alcohol business are visible from inside the alcohol business. **(PD)**
  - e. Food service from the regular menu must be available to patrons up to one hour before the scheduled closing time, including a cook and food servers shall be on duty. **(PD)**
  - f. An employee of the alcohol business must monitor all areas where alcohol is served. **(PD)**
  - g. Alcoholic drinks shall not be included in the price of admission. **(PD)**
  - h. All alcoholic beverages shall be consumed within the restaurant. No carryout alcohol sales shall be permitted. **(PD)**
  - i. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
  - j. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(PD)**
  - k. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m. **(PD)**
  - l. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**

- m. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is not permitted. **(PD)**
  - n. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 60 days of being hired and for existing employees every 12 months. Training shall be provided by ABC, or an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
  - o. All owners, employees, representatives, and agents must obey all federal, state, and local laws. In addition, all conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by an agency with jurisdiction over the premise are required as part of the CUP to be followed. **(PD)**
  - p. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business 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 personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
  - q. 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. **(PD)**
  - r. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
  - s. 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)**
  - t. Dancing and/or dance floor and/or live entertainment is prohibited. (Note: a new or amended Conditional Use Permit and an Entertainment Permit issued by the City is required for these additional activities.) **(PD)**
3. Prior to the submittal of building permits, zoning entitlement conditions of approval 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.

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. CUP No. 23-030 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.
6. The Zoning Administrator reserves the right to revoke Conditional Use Permit 23-030 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
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.

**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 6: CONDITIONAL USE PERMIT NO. 24-010 (ROCOTO PERUVIAN KITCHEN):**

APPLICANT:	Christian Chan, 3906 Humboldt Drive, Huntington Beach, CA 92649
PROPERTY OWNER:	GWHB LLC, 23642 Calabasas Rd, #104, Calabasas, CA 91302
REQUEST:	To permit the sale, services, and consumption of alcohol (ABC License Type 47) within a 2,867-square-foot eating and drinking establishment.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Class 1, Section 15301 of the California Environmental Quality Act.
LOCATION:	16972 Goldenwest Street, 92647 (Northeast corner of Warner Avenue at Goldenwest Street
CITY CONTACT:	Simin Zakavand

Simin Zakavand, Project Planner, displayed project plans 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. Staff received no public comments on this item. Stated that the applicant would like to extend the hours of operation until 12 midnight.

Joanna Cortez, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Christian Chan, applicant, had no comments or concerns with staff's recommendations.

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

Ms. Cortez stated that she would approve the request as recommended by staff with the added modification to extend the hours of operation from 7am to 12 midnight.

**CONDITIONAL USE PERMIT NO. 24-010 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 will allow the sale and consumption of alcohol in an existing restaurant; the project does not involve an expansion to an existing structure or an expansion in use.

**FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 24-010:**

1. Conditional Use Permit No. 24-010, which is to permit the sale, service, and consumption of alcohol (ABC License Type 47) within a new 2,867-square-foot eating establishment, 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 because the use is located within an existing commercial center with other commercial uses. The use is primarily a restaurant and the request for alcohol service is ancillary to the restaurant use. The sale, service and consumption of alcohol will be contained within the interior of the building; no outdoor dining is proposed. The sale, service and consumption of alcohol within the restaurant is not anticipated to generate additional noise, traffic, or impacts above existing conditions. The restaurant is oriented toward south, facing the existing surface parking lot and Warner Avenue, with the closest residential structure located over 500 feet to the north.
2. The granting of Conditional Use Permit No. 24-010 to allow the on-site sale, service, and consumption of alcohol (ABC License Type 47) within an new 2,867 sq. ft. sq. ft. restaurant space will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

### Land Use Element

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The request will expand the range of goods and services provided in the area by permitting the ancillary sale of alcohol in conjunction with an eating establishment in a safe manner for residents and customers from the surrounding area. The sale, service and consumption of alcohol within the restaurant is not anticipated to generate additional noise, traffic, or impacts above existing conditions. The proposed establishment provides expanded goods and services to meet the needs of the area and will add to the capture of sales tax revenue. The nearest residence is located over 500 ft. north of the subject site. The restaurant is oriented toward the south, facing the existing surface parking lot and Warner Avenue.

The granting of Conditional Use Permit No. 24-010 to allow the on-site sale, service, and consumption of alcohol (ABC License Type 47) within a new 2,867 sq. ft. restaurant space 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) because alcohol sales within eating establishments are a permitted use within the Commercial General zone, subject to approval of a Conditional Use Permit. The proposed restaurant establishment will be located within an existing commercial building, which conforms to applicable site development standards, including parking. The addition of alcohol sales does not physically expand the use and therefore will not cause the restaurant to be in noncompliance with the HBZSO

### **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 24-010:**

1. The site and floor plan received and dated April 30, 2024 shall be the conceptually approved design.
2. The use shall comply with the following conditions:
  - a. The hours of operations shall be limited to 7:00 AM to 12:00 AM, Daily.
  - b. The business shall obtain an Alcohol Beverage Control (ABC) Type 47 license authorizing alcohol use in the business. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**
  - c. All areas of the alcohol business that are accessible to patrons shall be illuminated such that the appearance and conduct of all people in the alcohol business are visible from inside the alcohol business. **(PD)**
  - d. Food service from the regular menu must be available to patrons up to one hour before the scheduled closing time, including a cook and food servers shall be on duty. **(PD)**
  - e. An employee of the alcohol business must monitor all areas where alcohol is served. **(PD)**

- f. Alcoholic drinks shall not be included in the price of admission. **(PD)**
- g. All alcohol shall remain within alcohol business premises. **(PD)**
- h. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- i. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- j. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(PD)**
- k. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m. **(PD)**
- l. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- m. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is not permitted. **(PD)**
- n. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 60 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
- o. All owners, employees, representatives, and agents must obey all federal, state, and local laws. In addition, all conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by an agency with jurisdiction over the premise are required as part of the CUP to be followed. **(PD)**
- p. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business 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 personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
- q. 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. No interior displays of alcoholic beverages or signs which are clearly visible to the exterior. **(PD)**
- r. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business and outdoor dining areas. **(PD)**
- s. Signs shall be posted in a conspicuous space at the entrance/exit of the business and outdoor dining area which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**

- t. Dancing and/or dance floor and/or live entertainment is prohibited. (Note: a new or amended Conditional Use Permit and an Entertainment Permit issued by the City is required for these additional activities). (PD)
3. Prior to the submittal of building permits, zoning entitlement conditions of approval 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.
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. CUP No. 24-010 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.
6. The Zoning Administrator reserves the right to revoke Conditional Use Permit 24-010 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
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.

**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 2:42 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JULY 3, 2024, AT 1:30 P. M.**

  
\_\_\_\_\_  
Joanna Cortez

Zoning Administrator

JC:mr