

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

**WEDNESDAY, JULY 7, 2021 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Joanna Cortez, Isela Siordia, Tess Nguyen

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 21-005 (PERKINS RESIDENCE):**

APPLICANT: Jeffrey Dahl, 1102 Main Street, Huntington Beach CA 92648  
PROPERTY OWNER: Michael Perkins, 3292 Falkland Circle, Huntington Beach CA 92649  
REQUEST: To permit a 1,098 sq. ft. addition to the first and second floor, 324 sq. ft. of balconies, and an interior remodel to an existing 2,399 sq. ft. two-story single-family residence.  
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.  
Appealable  
LOCATION: 3292 Falkland Circle, 92649 (terminus of Falkland Circle, east of Channel Lane)  
CITY CONTACT: Tess Nguyen

Tess Nguyen, 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. Ms. Nguyen noted that staff did not receive any inquiries regarding the proposed permits.

Ricky Ramos, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Member of the public had a question about meeting times. Ricky explained the reason why City Administration has decided to have meetings at 1:30 pm.

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

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

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

**COASTAL DEVELOPMENT PERMIT NO. 21-005 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines because the project consists of a remodel and addition to an existing single-family residence within a residential zone.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 21-005:**

1. Coastal Development Permit No. 21-005 to permit a 1,098 sq. ft. addition to the first and second floor, 324 sq. ft. of balconies, and remodel to an existing 2,399 sq. ft. two-story single-family residence 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 addition will occur entirely on a developed site, contiguous to existing single-family residential development.
2. Coastal Development Permit No. 21-005 to permit a 1,098 sq. ft. addition to the first and second floor, 324 sq. ft. of balconies, and remodel to an existing 2,399 sq. ft. two-story single-family residence is consistent with the requirements of the CZ (Coastal Zone) 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, including maximum building height, minimum yard setbacks, lot coverage, and privacy design standards.
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. 21-005 to permit a 1,098 sq. ft. addition to the first and second floor, 324 sq. ft. of balconies, and remodel to an existing 2,399 sq. ft. two-story single-family residence is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 21-005 to permit a 1,098 sq. ft. addition to the first and second floor, 324 sq. ft. of balconies, and remodel to an existing 2,399 sq. ft. two-story single-family residence 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 - COASTAL DEVELOPMENT PERMIT NO. 21-005:**

1. The site plan, floor plans, and elevations received and dated May 18, 2021 shall be the conceptually approved layout.
2. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical,

mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

3. The final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements must be completed in accordance with approved plans.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
  - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. Coastal Development Permit No. 21-005 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 Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**ITEM 2: CONDITIONAL USE PERMIT NO. 21-003 (FOUR SONS DOWNTOWN):**

APPLICANT: Gerard Dufresne, 1506 Pacific Coast Highway, Huntington Beach, CA 92648  
PROPERTY OWNER: Palmero Investments, LLC, 200 Main Street, Huntington Beach, CA 92648

REQUEST: To allow the sale, service, and consumption of beer (ABC License Type 23) within an 892 sq. ft. eating and drinking establishment with a 179 sq. ft. outdoor dining patio.

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

LOCATION: 401 Main Street #101, 92648 (northwest corner of Main St. and Orange Ave.)

CITY CONTACT: Joanna Cortez

Joanna Cortez, 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. Ms. Cortez noted that staff did not receive any inquiries regarding the proposed project.

Ricky Ramos, Zoning Administrator, had no questions for staff.

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

Gerard Dufresne, applicant, stated that he had no comments or concerns with the staff's recommendations. Mr. Dufresne stated he planned to create a family environment and has not had any issues with similar businesses.

Sanjay Agarwal, resident spoke in opposition to the proposed project citing concerns with noise, traffic and safety.

Mr. Ramos asked if Mr. Agarwal was aware of the standard limitations of hours of operations that limit restaurants outdoor dining hours to 10:00 p.m. Mr. Agarwal stated he was aware.

Tobin Brinker, resident, spoke in opposition to the proposed project citing concerns with noise and safety.

Barbara Weaver, resident, spoke in opposition to the proposed project citing concerns with noise and parking.

Debbie Zuganelis, property manager for project location, stated that the location does not have access to back of the building. Ms. Zuganelis addressed safety concerns stating that the property has video surveillance which she monitors. Ms. Zuganelis confirmed most tenants would operate during the day which would free up parking spaces for evening use.

Derek Usedek, resident, spoke in opposition to the proposed project citing concerns with noise, safety, and parking.

Philip Ellis, resident, spoke in opposition to the proposed project citing concerns with safety, noise, and parking.

Gerard Dufresne, applicant, stated that the location has limited seating which will help prevent excessive noise.

There was a back and forth discussion about keeping the hours to 12:00 a.m. daily. Mr. Dufresne stated he wished to keep those operating hours.

Robert Koury, property owner, stated that safety concerns stem from adjacent business. Mr. Koury stated he has security and cameras to mitigate security issues. Mr. Koury stated he has tried to be a good neighbor and has never had a complaint in the 40 years he has owned property.

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

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

**CONDITIONAL USE PERMIT NO. 21-003 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

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

**FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 21-003:**

1. Conditional Use Permit No. 21-003 to allow the sale, service, and consumption of beer (ABC License Type 23) within an 892 sq. ft. eating and drinking establishment with a 179 sq. ft. outdoor dining patio 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 building with other similar uses. The use is primarily a restaurant and the request for beer is ancillary to the primary use. The additional service of beer sales will benefit and serve the other uses in the downtown commercial core as well as the residential uses in the vicinity. The restaurant is not anticipated to generate additional noise, traffic, or impacts above existing conditions. The commercial storefront is oriented south, facing Orange Avenue, and the outdoor dining patio is oriented east, toward Main Street, each along a primary access corridor connecting the downtown commercial district with the surrounding mixed-use and the nearby residential neighborhoods and is approximately 75 linear feet from the nearest residence. No live entertainment is proposed and the sale, service, and consumption of beer will be contained within the 892 sq. ft. restaurant and 179 sq. ft. outdoor dining patio area.
2. The granting of Conditional Use Permit No. 21-003 to allow the sale, service, and consumption of beer (ABC License Type 23) within an 892 sq. ft. eating and drinking establishment with a 179 sq. ft. outdoor dining patio will not adversely affect the General Plan because it is consistent with the Land Use Element designation of M-sp (Mixed Use – Specific Plan Overlay – Maximum 30-50 du/ac) 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 in conjunction with a proposed eating and drinking establishment in a safe manner for residents and customers from the surrounding area. 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 proposed use is located in a vacant suite within an existing commercial building and is located at the corner of two primary streets within the Downtown Core area with adequate accessibility.

3. Conditional Use Permit No. 21-003 to allow the sale, service, and consumption of beer (ABC License Type 23) within an 892 sq. ft. eating and drinking establishment with a 179 sq. ft. outdoor dining patio 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 the proposed eating and drinking establishment with beer sales is permitted subject to a Conditional Use Permit within District 1 of the Downtown Specific Plan (SP5) zoning district pursuant to Figure 3-23, "Permitted Uses". The proposed establishment will be located within an existing commercial building, which conforms to applicable site development standards, including parking.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 21-003:**

1. The site plan, floor plans, and elevations received and dated May 4, 2021 shall be the conceptually approved design.
2. The use shall comply with the following conditions as required by City Resolution No. 2017-42:
  - a. The hours of operation shall be limited to the following:
    - i. Restaurant: 7:00 AM – 12:00 AM, Daily
    - ii. Outdoor Patio: 7:00 AM – 10:00 PM, Daily
  - b. No new customers shall be permitted to enter the alcohol business 30 minutes before closing.
  - c. A minimum of 70 percent of the net floor area of the alcohol business shall be designated for dining. The dining area excludes areas used for cooking, kitchen preparation, office, storage, and restrooms and also excluding outdoor dining areas.
  - 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.
  - e. Alcohol businesses must provide food service until one (1) hour before closing including a cook and food servers shall be on duty.

- f. CUP No. 2021-003 shall not be effective until an ABC license has been issued and provided to the City.
- g. CUP No. 2021-003 shall be for the type of issued ABC License; any change to the type of liquor license shall require an amendment to the CUP.
- h. In addition to any ABC requirements, the following alcohol related conditions shall be required:
  - i. An employee of the alcohol business must monitor areas where alcohol is served.
  - ii. Alcoholic drinks shall not be included in the price of admission to any alcohol business.
  - iii. All alcohol shall remain within alcohol business premises, including outdoor dining areas.
  - iv. Service of alcoholic beverages for consumption off-site shall not be permitted.
  - v. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
  - vi. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
  - vii. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m.
  - viii. Final announcements that inform patrons the kitchen and/or bar will stop accepting orders of alcoholic beverage (i.e., last call for alcohol) shall be at least 15 minutes prior to closing.
  - ix. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is not permitted.
  - x. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer and records of the training must be maintained on-site for review.
- i. 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.
- j. No patrons shall be permitted to loiter within the vicinity of any entrances and exits at any time.

- k. Alcohol businesses shall install and maintain a video surveillance system to monitor all doors, eating areas, parking areas, and public area of premises and shall make the video available to the Police Department. Electronic copies of video must be made available to the Huntington Beach Police Department. 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 a Police Officer. The business shall retain video surveillance for one-month. All video surveillance cameras must record in color, with digital recording to DVR and able to record in low light.
- l. In addition to the Downtown Specific Plan and Huntington Beach Zoning and Subdivision ordinance, all signs shall comply with the following:
  - i. 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.
  - ii. There shall be no window coverings or advertisements that reduce the visibility inside of the business.
  - iii. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business.
  - iv. Signs shall be posted in a conspicuous space at the entrance/exit of the restaurant which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT."
- m. 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).
- n. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT."
- o. 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.
- 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. Prior to sales, service, or consumption of alcoholic beverages the business shall obtain an ABC License Type 23 (Small Beer Manufacture). **(PD)**
3. All proposed fencing (and associated anchors/foundations) to enclose the new outdoor dining area shall be located per the approved site plan and not encroach into the public right-of-way.
  4. CUP No. 21-003 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
  5. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

**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 2:17 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JULY 21, 2021, AT 1:30 P. M.**



Ricky Ramos  
Zoning Administrator

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