

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

WEDNESDAY, AUGUST 3, 2022 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Hayden Beckman, Tess Nguyen, Joanna Cortez, Kim De Coite

PUBLIC COMMENTS: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 22-020 (BEACH ANIMAL URGENT CARE):

APPLICANT: Felix Dolot, Varisco Design Build Group, 30 Corporate Park, Suite 201, Irvine CA 92606
PROPERTY OWNER: Beanca Chu, Harper Circle LLC, P.O. Box 5612, Huntington Beach CA 92648
BUSINESS OWNER: Dr. Thomas Babcock, DVM, 19201 Brookhurst Street, Suite 105, Huntington Beach CA 92646
REQUEST: To permit the establishment and operation of a 2,916 sq. ft. animal hospital.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
LOCATION: 19201 Brookhurst Street, Suite 105, 92646 (West side of Brookhurst Street, south of Garfield Avenue)
CITY CONTACT: Hayden Beckman

Hayden Beckman, 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.

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

THE PUBLIC HEARING WAS OPENED.

Dr. Thomas Babcock, business owner, stated that he had no comments or concerns with the staff's recommendations.

Allie Plum, resident, expressed concern with the noise and aesthetic impacts of the trash enclosure, and the potential safety and security impacts associated with the medication stocked onsite.

Jerry Wilson, resident, spoke in opposition to Item No.1, citing concerns with potential light and noise impacts on adjacent residents. Dr. Babcock confirmed that the lighting is handled by the property owner and that the facility will not have overnight boarding.

Jerry Bleiweiss, resident, expressed concern with any potential boarding or outdoor assessment of the animals.

Lloyd Armour, spoke in opposition to Item No. 1, citing concerns with the potential negative noise, lights, and safety impacts to adjacent residential.

Ada Hand, resident, spoke regarding working with Dr. Babcock on potentially converting a nearby open space into a dog park.

Arlene Grave, resident, spoke regarding the negative impacts of the parking lot lighting.

Mr. Ramos confirmed that the parking lot lighting was not related to the request but that the residents' concerns would be conveyed to the property owner.

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. 22-020 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

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

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-008:

1. Conditional Use Permit No. 22-020 to permit the establishment and operation of a 2,916 sq. ft. animal hospital 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 proposed use is located within a commercial center with similar uses. Residential uses are located to the immediate west of the subject site, however the subject tenant suite is located on the eastern portion of the site, facing Brookhurst Street, and the use is adequately buffered by the building, parking spaces, and an existing seven ft. tall block wall. Additionally, the use will occur in an enclosed, soundproofed, and air-conditioned building to further reduce the potential for noise impacts to nearby sensitive uses.
2. Conditional Use Permit No. 22-020 to permit the establishment and operation of a 2,916 sq. ft. animal hospital will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG (General General) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

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-2.D: Maintain and protect residential neighborhoods by avoiding encroachment of incompatible land uses.

The operation of an approximately 2,916 sq. ft. animal hospital within an existing commercial building will provide additional services to the surrounding neighborhood and diversify the land uses. The use will be located within an existing commercial building which includes other tenant suites and commercial service related uses consistent with the Land Use and Density Schedules in the General Plan. With the conditions of approval, the use will be compatible with the adjacent uses. In addition, the project will provide for new job opportunities for existing and future residents and promote the economic viability of the shopping center.

3. Conditional Use Permit No. 22-020 to permit the establishment and operation of a 2,916 sq. ft. animal hospital will comply with the provisions of the base district, other applicable provisions in Titles 21-25 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 HBZSO allows animal hospitals within the Commercial General zoning designation with the approval of a conditional use permit. The use will comply with applicable development standards such as parking and setbacks.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 22-020:

1. The site plan and floor plan received and dated May 27, 2022, shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. The hours of operation shall be 12:00 PM – 10:00 PM, daily.
 - b. All doors located along the southern and eastern portion of the building shall only be used for dropping off of animals during the permitted hours of operation only and shall remain closed at all other times.
 - c. No outdoor exercising or animal activities shall be permitted in the rear or front of the building.
3. 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.
4. 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.

- 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. CUP No. 22-020 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. 22-010 AND COASTAL DEVELOPMENT PERMIT NO. 22-007 (JORGENSEN RESIDENCE):

APPLICANT:	Thom Jacobs, 202 Alabama Street, Huntington Beach CA 92648
PROPERTY OWNER:	Keith Jorgensen, 3532 Venture Drive, Huntington Beach CA 92649
REQUEST:	To permit a 1,941 sq. ft. addition and interior remodel, including a 250 sq. ft. patio cover and 817 sq. ft. third story deck to an existing 3,595 sq. ft. single family residence at an overall height of 34.5 feet.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15301, Class 1, California Environmental Quality Act.

LOCATION: 3532 Venture Drive, 92649 (west side of Venture Drive, north of Sundancer 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.

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

THE PUBLIC HEARING WAS OPENED.

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

Cheryl De Marco, local architect, spoke in opposition to Item No. 2, citing concerns with code compliance and the project not being designed by a certified architect.

Mr. Ramos confirmed with staff that the project would comply with code.

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. 22-010 AND COASTAL DEVELOPMENT PERMIT NO. 22-007 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

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

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-010:

1. Conditional Use Permit No. 22-010 to permit a 1,941 sq. ft. addition and interior remodel, including a 250 sq. ft. patio cover and 817 sq. ft. third story deck to an existing 3,595 sq. ft. single family residence at an overall height of 34.5 feet 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 proposed rooftop deck is designed be compatible in proportion and scale with the surrounding neighborhood. The rooftop deck is setback a minimum of five feet from the building exterior to minimize the visual mass and bulk of the structure. The rooftop deck is oriented toward the harbor and thereby ensuring privacy of adjacent properties. The third floor deck does not exceed the height limit and will be accessible only from the interior of the building.
2. The granting of the Conditional Use Permit No. 22-010 to permit a 1,941 sq. ft. addition and interior remodel, including a 250 sq. ft. patio cover and 817 sq. ft. third story deck to an

existing 3,595 sf single family residence at an overall height of 34.5 feet will not adversely affect the General Plan because it is consistent with the Land Use Element designation RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

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

Policy LU-4(D): Ensure that single-family residences are of compatible proportion, scale, and character to surrounding neighborhoods.

The proposed project is consistent with the requirements of the base zoning district such as parking, building setbacks, building height, lot coverage, and privacy design standards. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. The rooftop deck will be oriented toward the harbor, minimizing impact to privacy on adjoining properties. The deck will also be setback a minimum of five feet from the building exterior to reduce the mass and bulk of the structure.

3. Conditional Use Permit No. 21-005 to permit a 1,941 sf addition and interior remodel, including a 250 sf patio cover and 817 sq. ft. third story deck to an existing 3,595 sq. ft. single family residence at an overall height of 34.5 ft. 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 project complies with parking, building setbacks, building height, and lot coverage. Furthermore, the rooftop deck will comply with privacy design standards as it will be set back a minimum of five feet from the second floor façade and is oriented toward the public channel. Third floor decks are allowed for all single-family dwellings in the RL zoning district with the approval of a conditional use permit.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 22-007:

1. Coastal Development Permit No. 22-007 to permit a 1,941 sq. ft. addition and interior remodel, including a 250 sq. ft. patio cover and 817 sq. ft. third story deck to an existing 3,595 sq. ft. single family residence at an overall height of 34.5 feet 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. 22-007 to permit a 1,941 sq. ft. addition and interior remodel, including a 250 sq. ft. patio cover and 817 sq. ft. third story deck to an existing 3,595 sq. ft. single family residence at an overall height of 34.5 feet is consistent with the requirements of the Coastal Zone 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 building height, building setbacks, parking, 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. 22-007 to permit a 1,941 sq. ft. addition and interior remodel, including a 250 sq. ft. patio cover and 817 sq. ft. third story deck to an existing 3,595 sq. ft. single family

residence at an overall height of 34.5 feet is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. Coastal Development Permit No. 22-007 to permit a 1,941 sq. ft. addition and interior remodel, including a 250 sq. ft. patio cover and 817 sq. ft. third story deck to an existing 3,595 sq. ft. single family residence at an overall height of 34.5 feet 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. 22-010/COASTAL DEVELOPMENT PERMIT NO. 22-007:

1. The site plan, floor plans, and elevations received and dated July 5, 2022 shall be the conceptually approved design.
2. 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.
3. 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.
 - 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. Conditional Use Permit No. 22-010 and Coastal Development Permit No. 22-007 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.
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. 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. 22-004 (SHAKE SHACK BEER AND WINE):

APPLICANT: Nina Correia, Kimley-Horn, 555 Capitol Mall suite 300, Sacramento, CA 95814

PROPERTY OWNER: Dan Floberg, Shopcore Properties, 233 S. Wacker Dr., Suite 4600, Chicago, IL 90606

REQUEST: To demolish an existing 7,000 sq. ft. commercial office and construct a 3,415 sq. ft. fast food restaurant with a 1,353 sq. ft. outdoor dining area and dual drive-thru lanes. The project also includes a request for reduced parking and the on-site sale, service, and consumption of beer and wine (ABC License Type 41).

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15303, Class 3, California Environmental Quality Act. Appealable

LOCATION: 20100 Brookhurst Street, 92646 (east side of Brookhurst St., south of Adams 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 public comments. Ms. Cortez stated that staff was recommending adding one condition to require a Lot Line Adjustment.

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

THE PUBLIC HEARING WAS OPENED.

Nina Correia, applicant, stated that she had no comments or concerns with the staff's recommendations.

Keith Bohr, applicant's representative, stated that he was available for any questions.

Bryan Walsingham, architect, spoke in support of Item No. 3.

Chuck Gilmore, property owner's representative, spoke in support of Item No. 3.

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, including the additional recommended condition.

CONDITIONAL USE PERMIT NO. 22-004 WAS 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) 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 15303 of the CEQA Guidelines, because the project involves the construction of a new commercial building not exceeding 10,000 sq. ft. in floor area in an urbanized area with all necessary public services and facilities.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-004:

1. Conditional Use Permit No. 22-004 to demolish an existing 7,000 sq. ft. commercial office and construct a 3,415 sq. ft. fast food restaurant with a 1,353 sq. ft. outdoor dining area, dual drive-thru lanes, reduced parking, and the on-site sale, service, and consumption of beer and wine (ABC License Type 41) 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 proposed project site is surrounded by similar commercial uses to the north, south, east, and west. The propose project will not significantly impact nearby sensitive land uses as the project fronts Brookhurst Street and a parking lot to the south. The nearest residential use is located approximately 230 ft. to the south and is buffered by a parking lot, and other buildings within the commercial center. Adequate automobile drive-thru queuing will be provided and impacts to on-site and off-site circulation are not anticipated. A pedestrian pathway will be added along Brookhurst Street to provide additional pedestrian friendly connectivity and increased landscaping will be added to entrances and parkway along Brookhurst Street. The sale, service, and consumption of beer and wine will be contained within the restaurant and enclosed outdoor patio area. Conditions have been added to the request which prohibits dining or the consumption of alcoholic beverages in the outdoor patio area between the hours of 10:00 PM and 7:00 AM to ensure that operations within the patio area will be compatible with the surrounding neighborhood. As such, impacts to the residential use are not anticipated.

The request for reduced parking is based on a shared parking analysis and a transportation demand management plan, prepared by Kimley-Horn (by Elizabeth Chau and Fareed Pittalwala, P.E., both state-registered traffic engineers), received and dated June 17, 2022. An analysis was provided between the City's off-street parking requirements for the project, the existing conditions of the subject site, and Urban Land Institute (ULI) shared parking methodology. The study concludes that the average parking demand is between 495 and 718 parking spaces. As a result, the shared parking study supports a 20-space parking

reduction and adequate on-site parking can be accommodated within the site's existing 730 parking spaces.

2. The granting of Conditional Use Permit No. 22-004 to demolish an existing 7,000 sq. ft. commercial office and construct a 3,415 sq. ft. fast food restaurant with a 1,353 sq. ft. outdoor dining area, dual drive-thru lanes, reduced parking, and on-site sale, service, and consumption of beer and wine (ABC License Type 41) will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Commercial General (CG) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

- a. 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.
- b. 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.
- c. Policy LU-1 (D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.
- d. Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.
- e. 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.
- f. Policy LU-11 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.
- g. Policy LU-11 (C): Maximize the economic development services provided by the City to existing and prospective businesses and industries.
- h. Goal LU-12: Commercial and industrial corridors throughout the planning area are renovated and revitalized.

The proposed project consists of the development of a drive-thru restaurant building with an outdoor patio, with beer and wine sales, within an existing shopping center. The project site will continue to serve adjacent residential development and future development within the City as a whole. The project is located within an established area containing similar commercial uses. The building complies with the City's Urban Design Guidelines for commercial buildings, featuring quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout. The proposed building will include enhanced pedestrian areas, and is conditioned to include a landscape berm along the drive-thru areas to create improved visual relief. The shared parking analysis prepared by Kimley-Horn has determined that the onsite requirement for the eating and drinking establishment is in excess of 12 parking spaces than the expected peak parking demand. The proposed project will further accommodate the redevelopment of an existing commercial site with uses that will serve the needs of local residents and visitors to the City

by providing additional commercial serving opportunities. 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 a proposed eating and drinking establishment in a safe manner for customers and residents. Therefore, the proposed project will be consistent with the overall goals and needs of the community, provide goods and services to meet regional and local needs, and renovate and revitalize an existing retail shopping center.

3. The proposed conditional use permit to demolish an existing 7,000 sq. ft. commercial office and construct a 3,415 sq. ft. fast food restaurant with a 1,353 sq. ft. outdoor dining area, dual drive-thru lanes, reduced parking, and on-site sale, service, and consumption of beer and wine (ABC License Type 41) 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) in that the proposed eating and drinking establishment use with beer and wine sales, service, and consumption is permitted within the CG (Commercial General) zoning district pursuant to Section 211.04 of the HBZSO—*CO, CG, and CV Districts: Land Use Controls* with approval of a Conditional Use Permit. The restaurant and outdoor dining area will be located within an existing shopping center, which conforms to applicable site development standards in terms of minimum yard setbacks, minimum landscaping, and maximum floor area ratio with exception of the request for reduced parking. The shared parking analysis determined that the onsite parking requirement for the eating and drinking facility is in excess of 12 spaces than the expected peak parking demand. Additionally, a Transportation Demand Management (TDM) plan was prepared by the applicant for the commercial building. The plan incorporates TDM measures such as bicycle racks, transit information, and other strategies as required by HBZSO Section 230.36.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 22-004:

1. The site plan, floor plans, and shared parking analysis received and dated June 17, 2022; the elevations received July 11, 2022; and the TDM plan received and dated July 7, 2022, shall be the conceptually approved design with the following modification: heavier landscaping shall be installed within the entire length of the landscaped portion of the drive-thru to provide a substantial buffer between the drive-thru and the public right-of-way/drive aisle.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to the following:
 - i. Drive-thru: 7:00 AM – 11:00 PM (Daily)
 - ii. Dining Room: 7:00 AM – 11:00 PM (Daily)
 - iii. Outdoor Patio: 7:00 AM – 10:00 PM (Daily)
 - b. Both drive-thru lanes shall be utilized during peak restaurant hours.
 - c. The applicant shall conduct ongoing monitoring of the drive-thru service to establish that the vehicle queuing occurs within the drive-thru lanes and shopping center drive aisles. Any vehicular queuing related to the project's operation affecting the public right-of-way shall be addressed by the applicant to the satisfaction of Community Development and Public Works.

- d. 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)**
- e. 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)**
- f. 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)**
- g. 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." **(PD)**
- h. 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)**
- i. 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)**
- j. An employee of the alcohol business must monitor all areas where alcohol is served. **(PD)**
- k. Alcoholic drinks shall not be included in the price of admission. **(PD)**
- l. All alcohol shall remain within alcohol business premises, including outdoor dining area. **(PD)**
- m. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- n. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- o. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(PD)**
- p. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m. **(PD)**
- q. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- r. 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)**
- s. 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. **(PD)**

- t. 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)**
 - u. No patrons shall be permitted to loiter within the vicinity of any entrances and exits at any time. **(PD)**
 - v. 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. The business shall be required to have someone able to operate the system on duty during all business hours. **(PD)**
 - w. 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)**
 - x. There shall be no window coverings or advertisements that reduce the visibility inside of the business. **(PD)**
 - y. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
 - z. Dancing and/or dance floor and/or live entertainment is prohibited. A new or amended Conditional Use Permit and Entertainment Permit, issued by the City, shall be required for these additional activities. **(PD)**
3. Non-commercial wall mural/graphics shall not portray any commercial business, product, or food related images. Prior to the installation of any non-commercial wall mural/graphics, the final concept and design shall be reviewed and approved by the Planning Division of the Community Development Department.
 4. Signage shall be reviewed under separate permits and processing.
 5. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site. 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.
 6. Prior to submittal for building permits, the following shall be completed:

- a. Zoning entitlement conditions of approval, code requirements identified herein 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.
 - b. A detailed landscaping plan, including details of the landscape berm and additional landscaping along the length of the drive-thru, shall be submitted to the Planning Division for review and approval.
7. The final building permit(s) cannot be approved until the following have been completed:
- a. All improvements shall be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
 - c. The applicant shall provide signage directing customers to enter from the shopping center main driveway located immediately west of the project site to the satisfaction of Community Development and Public Works.
8. Prior to the issuance of a grading permit, a Lot Line Adjustment shall be submitted to the Community Development Department, approved by the Public Works Department, and recorded by the County for the consolidation of all underlying parcels to result in one (1) lot.
9. 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.
10. Conditional Use Permit No. 22-004 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 of Community Development pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.
11. The development services departments and divisions (Planning, Building and Safety, Fire, 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 Community Development Director's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Director of Community Development may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul

any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 2:24 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, AUGUST 17, 2022, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:kdc