

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

WEDNESDAY, JANUARY 22, 2025 - 1:30 P.M.

ZONING ADMINISTRATOR: Joanna Cortez

STAFF MEMBER: Hayden Beckman, Patty Malagon, Michelle Romero

PUBLIC COMMENTS: **NONE**

ITEM 1: TENTATIVE PARCEL MAP NO. 24-003 (515 12th STREET SUBDIVISION):

APPLICANT: Grant Keene, 28392 Airoso Street, Rancho Mission Viejo, CA 92694
PROPERTY OWNER: 515 12th St. LLC, 515 12th ST, Huntington Beach, CA 92648
REQUEST: To subdivide a 50 ft. wide lot into two parcels (25 ft. wide and 2,875 sq. ft. each) for residential purposes.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15315, Class 15, California Environmental Quality Act.
LOCATION: 515 12th Street, 92648 (North side of 12th Street, between Acacia Avenue and Pecan Avenue)
CITY CONTACT: Patty Malagon

Patty Malagon, 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 the proposed project.

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

THE PUBLIC HEARING WAS OPENED.

James Hysten, project manager, had no comments or concerns with staff's recommendations, including the added condition.

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 along with the following modifications to conditions of approval:

1. Prior to recordation of the final map, the applicant/developer shall comply with the following:
 - a. Building permits shall be obtained and finalized for demolition of the existing structures.

TENTATIVE PARCEL MAP NO. 24-003 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 15315 of the CEQA Guidelines, because the proposed project consists of the division of property into four or fewer parcels for residential purposes only and is in conformance with the General Plan, no variances or exceptions are required, and all services and access to the proposed parcels are available.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 24-003:

1. Tentative Parcel Map No. 24-003 to subdivide a 50 ft. wide lot into two parcels (25 ft. wide and 2,875 sq. ft. each) for residential purposes is consistent with the General Plan Land Use Element designation of Residential Medium High Density (RMH) on the subject property in that it permits the proposed subdivision. The proposed subdivision complies with other applicable provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The resulting two parcels meet the minimum lot size and lot width standards of the RHM-A (Residential Medium High Density - Subdistrict A) Base Zoning District.
2. The site is physically suitable for the type and density of development. The site consists of a parcel of land, approximately 5,875 sq. ft. lot in area, developed within an existing residential neighborhood. The Tentative Parcel Map is to develop a single-family home on each newly created lot. The outcome of the proposed subdivision is the continuance of the residential uses on the two lots which is allowable in the General Plan Land Use Element designation of Residential Medium High Density (RMH) and the HBZSO.
3. The design of the subdivision of a 50 ft. wide lot into two 2,875 sq. ft. parcels for residential purposes or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is located in an urban setting and is currently developed with residential uses does not contain wildlife or habitat.
4. The design of the subdivision of a 50 ft. wide lot into two parcels for residential purposes or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. Vehicular access is along the rear property line abutting the alley. All required easements for alley widening will be required to be dedicated to the City.

CONDITIONS OF APPROVAL - TENTATIVE PARCEL MAP NO. 24-003:

1. The tentative parcel map received and dated October 18, 2024 shall be the conceptually approved design of the subdivision.

2. Prior to recordation of the final map, the applicant/developer shall comply with the following:
 - b. Building permits shall be obtained and finalized for demolition of the existing structures.
 - c. Parkland dedication in-lieu fees (Quimby Fees) shall be paid to the Community Development Department.
3. Prior to issuance of a grading permit and 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-ft. radius of the project site as noticed in 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. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
5. The subdivision shall comply with all applicable requirements of the Municipal Code, Community Development Department, and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein. **(City Charter, Article V)**
6. Tentative Parcel Map No. 24-003 shall become null and void unless exercised within two years of the date of final Zoning Administrator 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 maps and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed revisions shall be called out on the plan sets submitted for Final Map Review. The map shall not be finalized 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. 24-023 (BURATTINO PIZZA):

APPLICANT: Brett Engstrom, LiquorLicense.com, 2222 Damon St., Los Angeles, CA 90021
PROPERTY OWNER: Freeway Industrial Park, P.O. Box 4900, Scottsdale, AZ 85261
REQUEST: To permit the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,235 sq. ft. indoor restaurant.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 01, California Environmental Quality Act.
LOCATION: 7451 Edinger Ave., Suite 104, 92647 (east side of Gothard Street, north of Edinger Avenue)
CITY CONTACT: Patty Malagon

Patty Malagon, 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 the proposed project. Staff added conditions of approval from the police department and one that states that 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.

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

THE PUBLIC HEARING WAS OPENED.

Brett Engstrom, project manager, had no comments or concerns with staff's recommendations, including the added conditions.

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 along with the modified conditions of approval.

CONDITIONAL USE PERMIT NO. 24-023 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 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. 24-023:

1. Conditional Use Permit No. 24-023 to permit the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,235 sq. ft. indoor restaurant 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 mixed use building with other similar uses. The use is primarily a restaurant and the request for beer and wine is ancillary to the primary use. The additional service of beer and wine sales will benefit and serve the other uses in the Beach and Edinger Corridor Specific Plan mixed use core as well as the residential uses in the vicinity. The restaurant with the proposed uses is not anticipated to generate additional noise, traffic, or impacts above existing conditions. The commercial storefront orients south, facing Edinger Avenue, which is a primary access street in the Beach and Edinger Corridor Specific Plan consisting of commercial and mixed residential uses. Additionally, no live entertainment is proposed and the sale, service, and consumption of beer and wine will be contained within the 1,235 sq. ft. restaurant.
2. The granting of Conditional Use Permit No. 24-023 to permit the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,235 sq. ft. indoor restaurant 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 and wine in conjunction with an eating and drinking establishment in a safe manner for residents and customers from the surrounding area. The proposed use provides expanded goods and services to meet the needs of the area and will add to the capture of sales tax revenue. The sale and service of beer and wine will be ancillary to an existing restaurant use within an existing mixed-use building and fronts a primary street within the Beach and Edinger Specific Plan with adequate accessibility.

3. Conditional Use Permit No. 24-023 to permit the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 1,235 sq. ft. indoor restaurant 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 an eating and drinking establishment with beer and wine sales is permitted subject to a Conditional Use Permit within the Town Center Boulevard Segment Beach Edinger Specific Plan (SP14) zoning district pursuant to section 2.2 "Building Use Regulations." The proposed use will be located within an existing mixed-use building, which conforms to applicable site development standards, including parking.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 24-023:

1. The site plan and floor plans received and dated November 24, 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 – 12:00 AM, Daily
 - b. 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)**
 - 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. 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)**

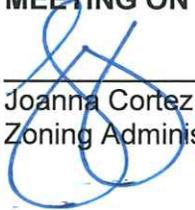
- o. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, 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)**
 - 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. **(PD)**
 - q. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business and outdoor dining areas. **(PD)**
 - r. 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)**
 - 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)**
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. CUP No. 24-023 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 1:44 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, FEBRUARY 5, 2025, AT 1:30 P. M.



Joanna Cortez
Zoning Administrator

JC:mr