

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

**WEDNESDAY, March 15, 2023 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Alyssa Matheus, Hayden Beckman, Joanna Cortez, Madalyn Welch, Kim De Coite, Michelle Romero

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 22-039 & COASTAL DEVELOPMENT PERMIT NO. 22-030 (TEMPORARY PARKING LOT):**

**APPLICANT:** Ed Mountford, 6232 Dolphinwood Drive, Huntington Beach CA 92648  
**PROPERTY OWNER:** Cabrillo MHC LLC, 150 North Wacker Drive, Suite 4500, Chicago IL 60606  
**REQUEST:** To permit a temporary parking lot with approximately 107 spaces for a period of five years and allow for the collection of fees for vehicles parking.  
**ENVIRONMENTAL STATUS:** This request is covered by Categorical Exemption, Section 15301, California Environmental Quality Act.  
**LOCATION:** 21622 Pacific Coast Highway (APN: 114-151-10), 92646 (north of Pacific Coast Highway, east of Beach Boulevard)  
**CITY CONTACT:** Alyssa Matheus

Alyssa Matheus, Associate Planner, reported that the applicant is requesting a continuance to the April 5, 2023 meeting.

Staff received no public comments on the proposed project.

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

**THE PUBLIC HEARING WAS OPENED.**

John Costello, resident, stated he was not against the temporary parking lot, but that he was advocating for the beautification of the community. He recommended that part of the conditions of approval include the upkeep of the site.

Brett Siciliano, resident, stated that he also was advocating for keeping the parking lot clean. He said leftover trash from events affects property value.

**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 continue the project at the applicant's request.

**CONDITIONAL USE PERMIT NO. 22-039 & COASTAL DEVELOPMENT PERMIT NO. 22-030 WERE CONTINUED TO THE APRIL 5, 2023, ZONING ADMINISTRATOR MEETING.**

**ITEM 2: ENTITLEMENT PLAN AMENDMENT NO. 22-010 (ROCKIN' CREPES LIVE ENTERTAINMENT):**

APPLICANT:	Martha Pestarino, Rockin' Crepes, 8943 Atlanta Avenue,
/BUSINESS OWNER	Huntington Beach, CA 92646
PROPERTY OWNER:	Huntington Beach No. 2, P.O. Box #847 Carlsbad, CA 92018
REQUEST:	To amend Conditional Use Permit No. 2009-026 to allow for live entertainment consisting of karaoke and a solo acoustic musician within an existing 1,200 sq. ft. restaurant
ENVIRONMENTAL STATUS:	The proposed project is covered by Section 15301, Class 1 of the California Environmental Quality Act.
LOCATION:	8943 Atlanta Avenue, 92646 (northwest corner of Magnolia Street and Atlanta Avenue)
CITY CONTACT:	Madalyn Welch

Madalyn Welch, 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.

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

**THE PUBLIC HEARING WAS OPENED.**

Makenna McWilliam, employee representing the applicant, agreed with conditions and stated that the restaurant is considerate to neighbors with noise levels and that doors are soundproof.

Armine Aghatani, adjacent property owner, spoke in opposition of the project, citing concerns with traffic and noise impacts.

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

Mr. Ramos addressed the speaker's issues of concern, noting noise mitigation and code enforcement options.

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

**ENTITLEMENT PLAN AMENDMENT NO. 22-010 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, Class 1 – *Existing Facilities* of the CEQA Guidelines because the project involved the operation and permitting of an existing development involving negligible expansion of the use and structure.

## **FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 22-010:**

1. Entitlement Plan Amendment No. 22-010 to amend Conditional Use Permit No. 09-026 to permit the establishment of live entertainment, consisting of karaoke and a single acoustic musician, within a 1,200 sq. ft. existing 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 restaurant is located within an existing multi-tenant shopping center that consists of similar commercial uses such as fitness studios, restaurants, retail shops, and a grocery store. The proposed live entertainment is located within the interior of the restaurant only. As depicted on the floor plan, the tenant space is oriented south towards the shopping center parking lot, away from the nearest residential properties. The closest residential dwelling is approximately 50 ft. from the subject building and is separated by an existing alley. Additionally, the restrooms and kitchen area, both located within the rear of the restaurant, will provide an additional noise buffer between the live entertainment area and the northerly exterior of the restaurant. Furthermore, the live entertainment is ancillary to the primary use of the restaurant and will not generate significant negative impacts related to noise, safety, and traffic. Because the restaurant is also allowed to serve alcohol under the previous Conditional Use Permit issued at this tenant space, conditions have been added to minimize the potential impacts associated to the overall restaurant use.
2. Entitlement Plan Amendment No. 22-010 to amend Conditional Use Permit No. 09-026 to permit the establishment of live entertainment, consisting of karaoke and a single acoustic musician, within a 1,200 sq. ft. existing restaurant will not adversely affect the General Plan because it is consistent with the Land Use Element designation of the Commercial General (CG) zone 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.

The requested entitlement amendment will accommodate an existing commercial development by allowing the addition of live entertainment to a permitted land use (restaurant). The proposed use will market its services to local residents thereby expanding the service-based commercial opportunities in the City. The restaurant is located in an existing shopping center, which includes service related uses.

B. *Noise Element*

Goal N-1: Noise-sensitive land uses are protected in areas with acceptable noise levels.

Policy N-1(A): Maintain acceptable stationary noise levels at existing noise-sensitive land uses such as schools, residential areas, and open spaces.

The proposed live entertainment is ancillary to the restaurant use and will enhance the restaurant atmosphere and dining experience. Based upon the placement of the live entertainment area on the floor plan, any associated music and noise generated by the karaoke or acoustic musician are anticipated to travel south towards the parking lot, and away from the residences to the north. The back kitchen and restroom areas provide an additional buffer between the live entertainment area and noise-sensitive uses to the north of the site. The added use will be subject to noise regulations to ensure compatibility with surrounding uses.

3. The proposed Entitlement Plan Amendment No. 22-010 to amend Conditional Use Permit No. 09-026 to permit the establishment of live entertainment consisting of karaoke and a single acoustic musician within the existing 1,200 sq. ft. 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 the HBZSO allows eating and drinking establishments with live entertainment subject to review and approval of a Conditional Use Permit by the Zoning Administrator. The existing restaurant currently operates with a Conditional Use Permit to permit the sale of alcoholic beverages for onsite consumption; therefore, the Entitlement Plan Amendment is required to encompass the use of live entertainment as well.

**CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 22-010:**

1. The site plan, floor plans, and elevations received and dated January 13, 2023 shall be the conceptually approved layout.
2. The use shall comply with the following conditions:
  - a. The hours of operation for the establishment shall be limited to 9:30 a.m. to 2:00 a.m., daily. Hours of live entertainment shall be limited to 8:00 p.m. to 12:00 a.m., daily.
  - b. Live entertainment is limited to karaoke and a single acoustic musician. Dancing shall be prohibited.
  - c. The rear doors shall be used by employees only, except in emergency.
  - d. Prior to commencing live entertainment activities, an Entertainment Permit shall be obtained from the Police Department. All conditions in the Entertainment Permit shall be adhered to. **(PD)**
  - e. The businesses shall obtain an Alcoholic Beverage Control (ABC) license authorizing alcohol use in the business. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**

- f. No new customers shall be permitted to enter the alcohol business 30 minutes before closing. **(PD)**
- g. 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 businesses. **(PD)**
- h. 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)**
- i. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
- j. Alcoholic drinks shall not be included in the price of admission. **(PD)**
- k. All alcohol shall remain within the alcohol business premises. **(PD)**
- l. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- m. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m. **(PD)**
- n. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- o. Each individual patron shall only be served on standard single-sized alcoholic beverages at a time after midnight. **(PD)**
- p. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- q. All employees engaged in the sale or service of alcohol shall complete mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 60 days of being hired and for existing employees every 36 months. Training shall be provided by ABC or an ABC approved RBS trainer. Records of the training shall be maintained on-site for review. **(PD)**
- r. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise at all times. **(PD)**
- s. No patrons shall be permitted to loiter within the vicinity of any entrances and exits at any time. **(PD)**
- t. 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, doors, parking areas surrounding entrances and exits of premise 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)**
- u. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
  - v. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
  - w. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
  - x. 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)**
  - y. 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. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. **(PD)**
  - z. 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, doors, parking areas surrounding entrances and exits of premise 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)**
3. Entitlement Plan Amendment No. 22-010 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.
  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. The establishment's operation of live entertainment of karaoke and single acoustic musician shall comply with declared noise standards. **(Municipal Code §8.40)**
  6. The Zoning Administrator reserves the right to revoke Entitlement Plan Amendment 22-010 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. **(HBZSO 249.06)**
  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: ENTITLEMENT PLAN AMENDMENT NO. 22-011 (SHORELIFE CHURCH EXPANSION):**

APPLICANT:	Russ Duren, 8192 Brixham Circle, Huntington Beach CA 92646
PROPERTY OWNER:	Diana L. Heidemann Trust, 32196 Renoir Road, Winchester CA 92596
REQUEST:	To amend Conditional Use Permit No. 91-022 to allow an existing religious assembly use to expand into an approximately 3,000 sq. ft. adjacent tenant suite to create a new ancillary youth ministry center.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
LOCATION:	15541 Product Lane, Suite B, Huntington Beach, CA 92649 (Southeast corner of Product Lane at McFadden 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. Staff, stated that the address for the item was correct on the legal notice but incorrect on the agenda. Staff received no public comments on this item.

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

**THE PUBLIC HEARING WAS OPENED.**

**THERE WAS NO ONE 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.

**ENTITLEMENT PLAN AMENDMENT NO. 22-011 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 – ENTITLEMENT PLAN AMENDMENT NO. 22-011:**

1. Entitlement Plan Amendment No. 22-011 to amend Conditional Use Permit (CUP) No. 91-022 to allow an existing religious assembly use to expand into an approximately 3,000 sq. ft. adjacent tenant suite to create a new ancillary youth ministry center 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 youth ministry area is ancillary to the primary religious assembly use, and is located within an existing industrial building with other similar uses surrounding the site. The relocation of the existing youth ministry area to its new location is not anticipated to generate any significant noise, traffic, parking or other impacts detrimental to surrounding properties and is consistent with the subject property's zoning. As conditioned, the use will be conducted within the interior of the building, unless otherwise permitted by the City, to prevent the use from exceeding established noise thresholds as defined by the City's Noise Control Ordinance. Additionally, the conditions of approval limiting the hours of operation and requiring all parking to be available onsite pursuant to the existing shared parking agreement will ensure the proposed expansion will have divergent hours with the surrounding uses and will have no impacts to the adjacent properties. The religious assembly use will primarily operate during the weekday nights and weekends when most industrial uses onsite will be closed which will ensure adequate parking is available. Based on the shared parking agreement, there are 99 spaces available on the subject site and adjacent parcel for use by the church during regularly scheduled worship assembly events. The new and pre-existing conditions of approval of CUP No. 91-022 will ensure that the property will maintain sufficient parking spaces to serve the needs of all uses onsite.
2. The granting of Entitlement Plan Amendment No. 22-011 to allow the existing religious assembly use to expand into an adjacent approximately 3,000 sq. ft. building to create a new ancillary youth ministry center will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Research and Technology (RT) zoning designation on the subject property. In addition, it is consistent with the following goals 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-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 (C): Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU1-(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

The proposed expansion of the existing religious assembly to accommodate a new ancillary space for youth ministry is consistent with the overall goals and needs of the community by providing a religious assembly use for the residents with the city and surrounding region. The proposed use is a conditionally permitted use in the RT land use designation and supports infill development because it is located on an underutilized industrial suite. In addition, the proposed use is compatible with the adjoining uses because the main religious assembly use and its ancillary uses and services held onsite are only shifting to an additional suite. The adjacent uses also include industrial uses that will be closed during the religious assembly use's primary operating hours.

3. Entitlement Plan Amendment No. 22-011 to amend Conditional Use Permit No. 91-022 to allow an existing religious assembly use to expand into an approximately 3,000 sq. ft. adjacent tenant suite to create a new ancillary youth ministry center will comply with the provisions of the base district and other applicable provision in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance because the General Plan land use designation and RT zoning designation allows for religious assembly uses with the approval of a conditional use permit and amendments to approved conditional use permits are subject to the approval of an entitlement plan amendment. The proposed use will comply with the applicable development standards because there will be minimal interior changes to the existing structure for the new youth ministry area.

**CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENMENT NO. 22-011:**

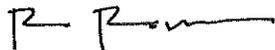
1. The site plan, floor plan, and elevations received and dated July 30, 2021 shall be the conceptually approved layout.
2. The uses and activities at 15541 Product Lane, Suite B, shall be limited to ancillary uses and activities that support the main religious assembly use located at 5772 McFadden Lane. Ancillary uses include youth group meetings, children's ministry, small adult group meetings and administrative office use. The primary assembly use shall only be permitted at 5772 McFadden Lane.
3. All activities shall be conducted entirely within the interior of the building. Outdoor activities shall be prohibited unless otherwise permitted by the City.
4. The hours of operation for religious assembly services and group related activities shall be limited to the following times:
  - a. Sunday from 8:00 AM to 12:00 PM; and
  - b. Wednesday from 6:30 PM to 9:00 PM.
5. The hours of operation for the office and administrative component of the religious assembly use shall be limited to:

- a. Monday to Thursday from 9:00 AM to 5:00 PM.
6. All parking spaces shall be onsite and accessible during the approved hours of operation of the religious assembly use.
  7. No employees or members of the religious assembly use shall park on adjacent private properties without the consent of the property owner(s) and tenant(s), illegally park on public streets, or block any driveways or fire access lanes at any time.
  8. All previous conditions of approval of Conditional Use Permit No. 91-022 shall apply.
  9. Schedule 1 and Schedule II controlled substances as listed under US Drug Enforcement Administration shall not be kept, consumed, distributed, sold or otherwise used at this site or at this location, unless the site/location is a State Certified and State Regulated hospital with no fewer than 100 beds for patient care.
  10. EPA No. 22-011 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.
  11. 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 1:52 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, APRIL 5, 2023, AT 1:30 P. M.**




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Ricky Ramos  
Zoning Administrator

RR:mr