

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

**WEDNESDAY, February 7, 2024 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Wayne Carvalho

**STAFF MEMBER:** Madalyn Welch, Joanna Cortez, Michelle Romero

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 23-029 (EL TORAZO BEER AND WINE):**

**APPLICANT:** Pat Brown, 5390 58th Street, Long Beach, CA 90804  
**PROPERTY OWNER:** Meadowlark Plaza LLC, 17122 Marina View Place, Huntington Beach, CA 92649  
**REQUEST:** To allow the on-site sale, service and consumption of beer and wine (ABC License Type 41) within an existing approximately 2,000 sq. ft. restaurant space.  
**ENVIRONMENTAL STATUS:** This request is covered by Categorical Exemption, Class 1, Section 15301 of the California Environmental Quality Act.  
**LOCATION:** 5171 Warner Avenue, 92649 (northeast corner of Warner Avenue and Airport Circle)  
**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 comment on this item.

Wayne Carvalho, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Pat Brown, applicant, had no comments or concerns with staff's recommendations.

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

Wayne Carvalho stated that he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 23-029 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

## **FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines because the project will allow for beer and wine service in an existing restaurant; the project does not involve an expansion to an existing structure or an expansion in use.

## **FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 23-029:**

1. Conditional Use Permit No. 23-029 to allow the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 2,000 sq. ft. restaurant space will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the use is located within an existing commercial center with other commercial uses. The use is primarily a restaurant and the request for alcohol service is ancillary to the primary use. The establishment of a restaurant and additional service of beer and wine sales will benefit and serve the other commercial and residential uses in this area of and surrounding the Meadowlark Specific Plan. No live entertainment is proposed as part of this request and all operations associated with the proposed restaurant will occur within the interior of the restaurant. Although there is a common sitting area to the west of this tenant space, which is shared with all other businesses on site, a condition has been placed that no alcoholic beverages shall be consumed in the outdoor patio area and must be consumed within the restaurant. The sale, service and consumption of beer and wine within is not anticipated to generate additional noise, traffic, or impacts above existing conditions. Furthermore, the restaurant is oriented north, facing the existing surface parking lot, with the closest residential structure located over 160 feet to the south.
2. The granting of Conditional Use Permit No. 23-029 to allow the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 2,000 sq. ft. sq. ft. restaurant space will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG-sp (General Commercial – Specific Plan Overlay) 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 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 within an existing restaurant within an existing commercial center that is situated within the Meadowlark Specific

Plan area on the northeast corner of Warner Avenue and Airport Circle with adequate accessibility.

3. The granting of Conditional Use Permit No. 23-029 to allow the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 2,000 sq. ft. restaurant space will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because beer and wine sales within eating and drinking establishments are permitted subject to a Conditional Use Permit within the Meadowlark Specific Plan (SP 8). The proposed restaurant 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. 23-029:**

1. The site and floor plan received and dated December 5, 2023 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 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)**
  - c. No carryout alcohol sales shall be permitted. All alcoholic beverages shall be consumed within the restaurant. **(PD)**
  - d. No alcoholic beverages shall be consumed in the outdoor patio. **(PD)**
  - e. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
  - f. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
  - g. 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 12 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)**
  - h. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of food pairing, if applicable. **(PD)**
  - i. 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 services.) **(PD)**
  - j. Clearly legible signage shall be affixed inside the restaurant entrances/exits points which shall state “NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT.” **(PD)**

- k. Signage, posters, and advertising with “Do Not Drink and Drive” shall be posted in the business. **(PD)**
  - l. 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)**
  - m. All areas where the sales, service, and consumption of alcoholic beverages will be permitted, must be sufficiently illuminated to permit the identification of patrons. **(PD)**
  - n. 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)**
  - 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. 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)**
3. CUP No. 23-029 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 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: COASTAL DEVELOPMENT PERMIT NO. 23-012 (PRICE RESIDENCE):**

APPLICANT/PROPERTY OWNER: Chris and Lindsey Price, Coast to Coast Home Solutions, 4726 Oceanridge Drive, Huntington Beach, CA 92649  
REQUEST: To permit a 682 sq. ft. second floor addition to an existing 3,410 sq. ft. single family residence at an overall height of 24 ft.-1 in.  
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, of the California Environmental Quality Act.  
LOCATION: 16462 Sundancer Lane, 92649 (along Sundancer Lane, between Running Tide Circle and Venture Drive)  
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.

Wayne Carvalho, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Chris Price, property owner, had no comments or concerns with staff's recommendations.

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

Wayne Carvalho stated that he would approve the request as recommended by staff.

**COASTAL DEVELOPMENT PERMIT NO. 23-012 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 would develop an addition less than 50 percent of existing floor area of an existing single-family residence within an existing urbanized residential zone.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 23-012:**

1. Coastal Development Permit No. 23-012 to permit a 682 sq. ft. second floor addition to an existing 3,210 sq. ft. single family residence at an overall height of 24 ft-1 in., conforms with the General Plan, including the Local Coastal Program because the project is consistent with

the Coastal Element Land use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed development will occur entirely on a developed site, contiguous to properties developed with existing single-family residential uses.

2. Coastal Development Permit No. 23-012 to permit a 682 sq. ft. second floor addition to an existing 3,210 sq. ft. single family residence at an overall height of 24 ft-1 in. is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project will comply with all applicable development regulations, including maximum building height, minimum 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. 23-012 to permit a 682 sq. ft. second floor addition to an existing 3,210 sq. ft. single family residence at an overall height of 24 ft-1 in. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 23-012 to permit a 682 sq. ft. second floor addition to an existing 3,410 sq. ft. single family residence at an overall height of 24 ft.-1 in. 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. 23-012:**

1. The site plan, floor plans, and elevations received December 4, 2023 shall be the conceptually approved layout.
2. Prior to submittal of building permits, the following shall be completed: Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. During demolition, grading, site development, and/or construction, the following shall be completed:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.

4. Prior to issuance of final building permits, the following shall be 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. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
6. Coastal Development Permit No. 23-012 shall become null and void unless exercised within two years of the date of final approval or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
7. The 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 1:42 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, February 21, 2024, AT 1:30 P. M.**



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Wayne Carvalho  
Zoning Administrator

WC:mr