

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

**WEDNESDAY, MAY 1, 2019 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Hayden Beckman, Nicolle Aube, Joanna Cortez, Judy Graham

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

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 19-004 (WINDWARD ARCHAEOLOGICAL GRADING AND MONITORING:**

APPLICANT: Ed Mountford, Cornerstone Consulting, 6232 Dolphinwood Drive, Huntington Beach CA 92648

PROPERTY OWNER: Signal Landmark, 27271 Las Ramblas, Suite 100, Mission Viejo, CA 92691

REQUEST: To permit archaeological grading and monitoring activities on a vacant 2.5-acre portion of an approximately 5-acre property located in the Coastal Zone.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15304, Class 4, California Environmental Quality Act.

LOCATION: APN 163-361-10 (Vacant Property – Southeast of Bolsa Chica Street at Los Patos Avenue; South of City landscape lot)

CITY CONTACT: Hayden Beckman

Hayden Beckman, Senior Planner, stated that due to additional information requested by the California Coastal Commission, staff has requested a continuance to the May 15, 2019, meeting.

**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 continuation at staff's request.

**COASTAL DEVELOPMENT PERMIT NO. 19-004 WAS CONTINUED TO THE MAY 15, 2019 MEETING BY THE ZONING ADMINISTRATOR.**

**ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 19-005 (MOBILITIE SMALL CELL WIRELESS INSTALLATION):**

APPLICANT: Amanda Fitch, Mobilitie, 2955 Red Hill Ave., Ste. 200, Costa Mesa, CA 92626

PROPERTY OWNER: Southern California Edison, 2131 Walnut Grove Avenue, Rosemead, CA 91770

REQUEST: To remove an existing 23 ft. 9 in. high light pole and replace with a new 24 ft. 1 in. high light pole to install small cell wireless equipment at an overall height of 27 ft. 2 in. and new underground infrastructure in the public right-of-way located in the Coastal Zone.

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15302, Class 2, California Environmental Quality Act. Appealable

LOCATION: West side of 13<sup>th</sup> Street approximately 100 linear feet north of Pacific Coast Highway.

CITY CONTACT: Nicolle Aube

Nicolle Aube, 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. Aube noted that staff had received an email requesting that Sprint provide a coverage map. Sprint responded to the email.

**THE PUBLIC HEARING WAS OPENED.**

Ben Johnson, representing the applicant, stated that he had no comments or concerns with staff's recommendations.

Jim Hayden, resident, spoke regarding the proposed project. He noted concern with potential negative health impacts to adjacent residents. A brief discussion took place regarding the frequency output of the small cell transmitter.

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

Mr. Ramos explained that Federal Law prohibits local jurisdictions from taking health concerns into consideration and staff may only base decisions on land use impacts. Mr. Ramos stated that he would approve the request as recommended by staff.

**COASTAL DEVELOPMENT PERMIT NO. 19-005 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act

(CEQA) pursuant to Section 15302 of the CEQA Guidelines, because the project involves the removal of an existing street light pole and the replacement of a new street light pole on the same site, and includes the installation of small new equipment for a wireless communication facility.

**FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 19-005:**

1. Coastal Development Permit No. 19-005 to remove an existing 23 ft. 9 in. high light pole and replace with a new 24 ft. 1 in. high light pole to install small cell wireless equipment at an overall height of 27 ft. 2 in. and new underground infrastructure in the public right-of-way located in the Coastal Zone conforms with the General Plan, including the Local Coastal Program in that it is consistent with Coastal Element Land Use Policy C 4.2.4, that wireless communication facilities shall be sited, to the maximum extent feasible, to minimize visual resource impacts. The proposed wireless communication facility's stealth design will minimize any visual impacts by co-locating on an existing street light pole, painting the facility to match existing pole, and locate accessory equipment below ground. The proposed wireless telecommunication facility will occur within the public right of way contiguous to existing residential development and will enhance the provision of personal communication capacity within the Coastal Zone.
2. The granting of Coastal Development Permit No. 19-005 to remove an existing 23 ft. 9 in. high light pole and replace with a new 24 ft. 1 in. high light pole to install small cell wireless equipment at an overall height of 27 ft. 2 in. and new underground infrastructure in the public right-of-way within Coastal Zone 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 proposed light pole replacement, including small cell wireless communications facility equipment, will comply with all applicable stealth design regulations to minimize visual impacts of the equipment.
3. Coastal Development Permit No. 19-005 to remove an existing 23 ft. 9 in. high light pole and replace with a new 24 ft. 1 in. high light pole to install small cell wireless equipment at an overall height of 27 ft. 2 in. and new underground infrastructure in the public right-of-way and Coastal Zone can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because the wireless telecommunication facility will be within the public right-of-way in an urbanized area with all necessary services and infrastructure available, including electricity and roadways.
4. The proposed removal of an existing 23 ft. 9 in. high light pole and replacement with a new 24 ft. 1 in. high light pole to install small cell wireless equipment at an overall height of 27 ft. 2 in. and new underground infrastructure in the public right-of-way and Coastal Zone 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. 19-005:**

1. The site plan, photo simulations, and elevations received and dated March 29, 2019 shall be the conceptually approved design.

2. Prior to the issuance of a building permit, site specific traffic control plans shall be prepared and submitted for review and approved by Public Works prior to obtaining an encroachment permit. **(PW)**
3. Construction plans shall be prepared for review and approval by Public Works. The plan shall comply with Huntington Beach codes, standards and specifications. Plan shall include, but is not limited to:
  - a. The WTR/FSB (cut-off switch) shall be located no more than 20-feet from the base of the utility pole. Pull-box cover shall be permanently engraved with emergency contact phone number and address of site served by cut-off switch. **(PW)**
  - b. All pole mounted equipment/antenna(s) and brackets shall be painted to match pole. **(PW)**
  - c. The final Southern California Edison (SCE) power design shall be provided. **(PW)**
  - d. City pull boxes shall be installed per Public Works Standards. **(PW)**
  - e. New street light poles shall be coated with Amershield anti-graffiti coating. **(PW)**
  - f. Reconstructed improvements shall be identified on the plans and installed per Public Works Standards. **(PW)**
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - 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 5 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.
  - g. Existing fire protection systems on the site shall be maintained operational.
  - h. All pole mounted equipment/antenna(s) and brackets shall be painted to match the pole. **(PW)**
  - i. The electrical service to the site shall be installed underground (MC 17.64.050). **(PW)**
5. CDP No. 19-005 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.

6. The Development Services Departments and divisions (Building & Safety, Fire, Planning, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

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

**ITEM 3: COASTAL DEVELOPMENT PERMIT NO. 19-006 (MOBILITIE SMALL CELL WIRELESS INSTALLATION):**

APPLICANT:	Amanda Fitch, Mobilitie, 2955 Red Hill Ave., Ste. 200, Costa Mesa, CA 92626
PROPERTY OWNER:	Southern California Edison, 2131 Walnut Grove Avenue, Rosemead, CA 91770
REQUEST:	To remove an existing 23 ft. 9 in. high light pole and replace with a new 24 ft. 1 in. high light pole to install small cell wireless equipment at an overall height of 27 ft. 2 in. and new underground infrastructure in the public right-of-way within the Coastal Zone
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15303, Class 03, California Environmental Quality Act. Appealable
LOCATION:	West side of 12 <sup>th</sup> Street approximately 100 linear feet north of Pacific Coast Highway.
CITY CONTACT:	Nicolle Aube

Nicolle Aube, 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. Aube noted that staff received an email requesting that Sprint provided a coverage map. Sprint responded to the email.

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

**THE PUBLIC HEARING WAS OPENED.**

Ben Johnson, representing the applicant, stated that he had no comments or concerns with staff's recommendations.

Jim Hayden, resident, stated that he had concerns that the proposed project would have a negative impact to resident's views.

Mr. Ramos stated that the City does not protect private views.

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

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

**COASTAL DEVELOPMENT PERMIT NO. 19-006 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 15302 of the CEQA Guidelines, because the project involves the removal of an existing street light pole and the replacement of a new street light pole on the same site, and includes the installation of small new equipment for a wireless communication facility.

**FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 19-006:**

1. Coastal Development Permit No. 19-006 to remove an existing 23 ft. 9 in. high light pole and replace with a new 24 ft. 1 in. high light pole to install small cell wireless equipment at an overall height of 27 ft. 2 in. and new underground infrastructure in the public right-of-way located in the Coastal Zone conforms with the General Plan, including the Local Coastal Program in that it is consistent with Coastal Element Land Use Policy C 4.2.4, that wireless communication facilities shall be sited, to the maximum extent feasible, to minimize visual resource impacts. The proposed wireless communication facility's stealth design will minimize any visual impacts by co-locating on an existing street light pole, painting the facility to match existing pole, and locate accessory equipment below ground. The proposed wireless telecommunication facility will occur within the public right of way contiguous to existing residential development and will enhance the provision of personal communication capacity within the Coastal Zone.
2. The granting of Coastal Development Permit No. 19-006 to remove an existing 23 ft. 9 in. high light pole and replace with a new 24 ft. 1 in. high light pole to install small cell wireless equipment at an overall height of 27 ft. 2 in. and new underground infrastructure in the public right-of-way and Coastal Zone 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 proposed light pole replacement, including small cell wireless communications facility equipment, will comply with all applicable stealth design regulations to minimize visual impacts of the equipment.

3. Coastal Development Permit No. 19-006 to remove an existing 23 ft. 9 in. high light pole and replace with a new 24 ft. 1 in. high light pole to install small cell wireless equipment at an overall height of 27 ft. 2 in. and new underground infrastructure in the public right-of-way and Coastal Zone can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because the wireless telecommunication facility will be within the public right-of-way in an urbanized area with all necessary services and infrastructure available, including electricity and roadways.
4. The proposed removal of an existing 23 ft. 9 in. high light pole and replacement with a new 24 ft. 1 in. high light pole to install small cell wireless equipment at an overall height of 27 ft. 2 in. and new underground infrastructure in the public right-of-way and Coastal Zone 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. 19-006:**

1. The site plan, photo simulations, and elevations received and dated March 29, 2019 shall be the conceptually approved design.
2. Prior to the issuance of a building permit, site specific traffic control plans shall be prepared and submitted for review and approved by Public Works prior to obtaining an encroachment permit. **(PW)**
3. Construction plans shall be prepared for review and approval by Public Works. The plan shall comply with Huntington Beach codes, standards and specifications. Plan shall include, but is not limited to:
  - a. The WTR/FSB (cut-off switch) shall be located no more than 20-feet from the base of the utility pole. Pull-box cover shall be permanently engraved with emergency contact phone number and address of site served by cut-off switch. **(PW)**
  - b. All pole mounted equipment/antenna(s) and brackets shall be painted to match pole. **(PW)**
  - c. The final Southern California Edison (SCE) power design shall be provided. **(PW)**
  - d. City pull boxes shall be installed per Public Works Standards. **(PW)**
  - e. New street light poles shall be coated with Amershield anti-graffiti coating. **(PW)**
  - f. Reconstructed improvements shall be identified on the plans and installed per Public Works Standards. **(PW)**
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - 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 5 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.
  - g. Existing fire protection systems on the site shall be maintained operational.
  - h. All pole mounted equipment/antenna(s) and brackets shall be painted to match the pole. **(PW)**
  - i. The electrical service to the site shall be installed underground (MC 17.64.050). **(PW)**
5. CDP No. 19-006 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 4: CONDITIONAL USE PERMIT NO. 19-004/ COASTAL DEVELOPMENT PERMIT NO. 19-002 (AT&T SMALL CELL WIRELESS INSTALLATION):**

APPLICANT:	Franklin Orozco, MSquare Wireless, 1387 Calle Avanzado, San Clemente, CA 92673
PROPERTY OWNER:	Southern California Edison, 2131 Walnut Grove Avenue, Rosemead, CA 91770
REQUEST:	To remove an existing 24 ft. 10 in. high wooden utility pole and replace with a new 30 ft. high wooden utility pole to install small

**ENVIRONMENTAL  
STATUS:**

cell wireless equipment at an overall height of 32 ft. 6 in. and new underground infrastructure installations in the public right-of-way located in the Coastal Zone.

This request is covered by Categorical Exemption  
Section 15302, Class 02, California Environmental Quality Act.  
Appealable

**LOCATION:**

North side of Pacific Coast Highway, approximately 855 linear feet north of Newland Street.

**CITY CONTACT:**

Nicolle Aube

Nicolle Aube, Associate Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Ms. Aube requested the item be continue to the May 15, 2019, Zoning Administrator meeting to accommodate the May 9, 2019, Design Review Board meeting.

**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 continuation at staff's request.

**CONDITIONAL USE PERMIT NO. 19-004/ COASTAL DEVELOPMENT PERMIT NO. 19-002  
WAS CONTINUED TO THE MAY 15, 2019 MEETING BY THE ZONING ADMINISTRATOR.**

**ITEM 5: TENTATIVE PARCEL MAP NO 2018-181 (MAGNOLIA ATLANTA SUBDIVISON):**

**APPLICANT:** Waft Companies, 2716 Ocean Park Blvd, Ste 3020, Santa Monica, CA 90405

**PROPERTY OWNER:** Jake Lappert, PLS 9303, 160 South Old Springs Road, Anaheim, CA 92808

**REQUEST:** To permit the subdivision of an approximately 2.872-acre parcel into three parcels.

**ENVIRONMENTAL  
STATUS:** This request is covered by Categorical Exemption  
Section 15315, Class 15, California Environmental Quality Act.  
Appealable

**LOCATION:** 20921 - 20981 Magnolia Street and 8901- 8955 Atlanta Avenue, 92646 (northwest corner of Magnolia Street and Atlanta Avenue)

**CITY CONTACT:** Lindsay Ortega

Lindsay Ortega, Project 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. Ortega noted that staff received five calls requesting general information regarding the proposed project.

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.

**TENTATIVE PARCEL MAP NO 2018-181 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 15315 of the CEQA Guidelines, because the proposed project consists of the division of property into four or fewer parcels 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. 18-181:**

1. Tentative Parcel Map No. 18-181 to allow the subdivision of a 2.87-acre parcel into three parcels is consistent with the General Plan Land Use Element designation of Commercial Neighborhood (CN) on the subject property in that it permits the proposed subdivision and commercial use. The proposed subdivision complies with all other applicable provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). Based on conditions of approval that require a recorded access agreement, the resulting three parcels meet the minimum lot size and lot width standards of the CG (Commercial General) Zoning District.
2. Tentative Parcel Map No. 18-181 to allow the subdivision of a 2.87-acre parcel into three parcels is physically suitable for the type and density of development because the proposed three parcels will comply with all applicable code provisions of the HBZSO including minimum lot width and lot size, based on a recorded access agreement. The site is located in a commercial area and is currently developed as a commercial shopping center. No new development is proposed in conjunction with the proposed tentative parcel map.
3. The subdivision design 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, is currently developed as a commercial shopping center, does not contain wildlife or habitat, and no further development of the site is proposed in conjunction with the proposed tentative parcel map.
4. The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The subdivision will continue to provide all necessary easements and will not affect any existing public easements.

**CONDITIONS OF APPROVAL - TENTATIVE PARCEL MAP NO. 18-181:**

1. The tentative parcel map received and dated October 11, 2018 shall be the conceptually approved design.
2. Within 45 days of recordation of the final map, a Reciprocal Easement and Maintenance Agreement shall be recorded with the Clerk Recorder against the title of all four parcels. The legal instrument shall be submitted to the Community Development Department for reviewed by the City Attorney's office prior to approval of the final map. A copy of the recorded agreement shall be filed with the Community Development Department. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. The entire shopping center site shall function as one parcel, therefore the Agreement must include the following provisions:
  - a. Reciprocal vehicular and pedestrian access, ingress and egress to the public street system, and parking in perpetuity, across all parcels.
  - b. A requirement that improvements and on-going maintenance, such as, restriping, new asphalt, etc., to the parking and landscaped areas made on one parcel shall be made concurrently on all other parcels. Further, the exterior elevations of all buildings shall be designed, constructed and maintained so as to be architecturally and aesthetically compatible to provide the appearance of a unified commercial center
  - c. A restriction that Existing Parcel 1, Proposed Parcel 1, Proposed Parcel 2, and Proposed Parcel 3 (as identified on the site plan) shall be considered one lot only when determining compliance with freestanding sign standards, landscaping standards, and off-street parking standards.
  - d. Reciprocal easements for access and utility services shall be provided across the existing parcels and the proposed parcels for the benefit of each other. **(PW)**
  - e. Documentation shall be provided to the City to substantiate the reciprocal easements for access across the parcels (the proposed parcel and the adjoining lots not part of the project) for the benefit of each other. **(PW)**
  - f. City approval for any change to the Agreement.
3. 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.
4. Tentative Parcel Map No. 18-181 shall become null and void unless exercised within two years of the date of 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. A new easement for water line purposes shall be dedicated to the City of Huntington Beach for those existing onsite water lines that do not have an easement dedicated to the City of Huntington Beach over them. Any existing water service/meter located in one of the proposed parcels, which services a separate new parcel shall have an easement over it (in favor of the parcel owner being serviced by said water service/meter). **(PW)**
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 the map 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 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 6: ENTITLEMENT PLAN AMENDMENT NO. 19-001 (OUZO AND FETA OUTDOOR DINING):**

APPLICANT:	James Sdrales, 19171 Magnolia St., Suite 1, Huntington Beach, CA 92646
PROPERTY OWNER:	EFH-H Investments, LLP, 2140 Ocean Way, Laguna Beach, CA 92653
REQUEST:	To amend Condition 2.a of CUP No. 16-041 to modify the hours of operation and permit the sales, service, and consumption of general alcohol (ABC Type 47 License) within a proposed 342 sq. ft. outdoor patio.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15301, Class 01, California Environmental Quality Act. Appealable
LOCATION:	19171 Magnolia St., Suite 1 & 2, 92646 (west side of Magnolia St., south of Garfield Ave.)
CITY CONTACT:	Joanna Cortez

Joanna Cortez, Project Planner, stated that the applicant has requested a continuance to the May 15, 2019, Zoning Administrator's meeting as they are working with the Police Department on conditions for the project.

**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 continuation at the applicant's request.

**ENTITLEMENT PLAN AMENDMENT NO. 19-001 WAS CONTINUED TO THE MAY 15, 2019 MEETING BY THE ZONING ADMINISTRATOR.**

**ITEM 7: CONDITIONAL USE PERMIT NO. 19-006 (KATHY MAY'S CAFÉ BEER AND WINE):**

APPLICANT: Dawn Carrion, PO BOX 3933, Huntington Beach, CA 92605  
PROPERTY OWNER: City of Huntington Beach, Huntington Beach, CA 92648  
REQUEST: To allow the sales, service, and consumption of beer and wine (ABC Type 41 License) within an existing 2,176 sq. ft. restaurant and 1,248 sq. ft. outdoor patio.  
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15301, Class 01, California Environmental Quality Act. Appealable  
LOCATION: 6622 Lakeview Dr., 92648 (at the terminus of Lakeview Dr., between Edwards St. and Goldenwest St. – Central Park)  
CITY CONTACT: Joanna Cortez

Joanna Cortez, Project 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.**

Dawn Carrion, applicant, stated that she had no comments or concerns with staff recommendations.

Carlos Marquez, Office of Business Development, stated that he was in support of the proposed application.

**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.

**CONDITIONAL USE PERMIT NO. 19-006 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 involves no expansion in the overall floor area of an existing restaurant.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-006:**

1. Conditional Use Permit No. 19-006 to allow the sales, service, and consumption of beer and wine (ABC Type 41 License) within an existing 2,176 sq. ft. restaurant and 1,248 sq. ft. outdoor patio will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the proposed sales, service and consumption of beer and wine, as

conditioned, will not generate noise, traffic, demand for parking or other impacts as the use is primarily a restaurant and the sales, service, and consumption of beer and wine will be an ancillary part of the restaurant use. The sale, service and consumption of alcohol will occur entirely within the existing restaurant and 1,248 sq. ft. outdoor patio. The restaurant is located within a public park (Central Park). The nearest residential use is located approximately 300 ft. to the west and is buffered by the park, a parking lot, and a public street (Lakeview Dr.). The entrance of the restaurant and patio is oriented west toward Central Park, away from residential uses. The sales, service, and consumption of beer and wine is not permitted in the patio area between the hours of 10:00 PM and 7:00 AM to ensure any potential impacts to surrounding uses are minimized. As such, impacts to the residential uses are not anticipated.

2. The granting of Conditional Use Permit No. 19-006 to allow the sales, service, and consumption of beer and wine (ABC Type 41 License) within an existing 2,176 sq. ft. restaurant and 1,248 sq. ft. outdoor patio will not adversely affect the General Plan. It is consistent with the Land Use Element designation of OS-P (Open Space – Park) on the subject property. In addition, it is consistent with the following objective 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.

Policy LU-11.B: Encourage new businesses to locate on existing vacant or underutilized commercial properties where the properties have good locations and accessibility.

The request to allow beer and wine sales within an existing 2,176 sq. ft. restaurant and 1,248 sq. ft. outdoor patio provides expanded goods and services to meet the needs of the community and regional area and will add to the capture of sales tax revenue. The proposed use is located in an existing restaurant and the consumption of beer and wine will be an ancillary part of the use. The nearest residential use is located approximately 300 ft. to the west and is buffered by the park, a parking lot, and a public street (Lakeview Dr.). The entrance of the restaurant and patio is oriented west toward Central Park, away from residential uses.

3. The proposed conditional use permit to allow the sales, service, and consumption of beer and wine (ABC Type 41 License) within an existing 2,176 sq. ft. restaurant and 1,248 sq. ft. outdoor patio will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The proposed eating and drinking establishment is permitted subject to a Conditional Use Permit within the OS-PR (Open Space – Parks and Recreation Subdistrict) zoning district pursuant to Section 213.06 of the HBZSO. The sales, service, and consumption of beer and wine will be an ancillary use of an established restaurant building that conforms to applicable site development standards in terms of minimum parking, minimum yard setbacks, minimum landscaping, and maximum floor area ratio.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-006:**

1. The site plan, floor plans, and elevations received and dated February 19, 2019.
2. The use shall comply with the following:
  - a. The hours of operation shall be limited to the following:
    - i. Daily (dining room): 7:00 AM – 10:00 PM
    - ii. Daily (outdoor patio): 7:00 AM – 10:00 PM
  - b. Prior to sales, service or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the restaurant. The business shall be limited to a Type 41 (On sale beer/wine eating place) ABC License. **(PD)**
  - c. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time. **(PD)**
  - d. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
  - e. No packaged sales of alcohol allowed. **(PD)**
  - f. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
  - g. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
  - h. 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 90 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)**
  - i. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden. **(PD)**
  - j. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
  - k. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment which would require additional parking, or modification of plans dated 2-19-19 would need approval by The Community Development Department and may require a Conditional Use Permit (CUP) for this specific use. **(PD)**
  - l. 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 daily. **(PD)**

- m. A sign shall be posted in a conspicuous space at the exit point in the patio which shall state "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
  - n. The patio shall have a physical barrier of no less than 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
  - o. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(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. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. **(PD)**
  - q. 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)**
  - r. There must be increased motion detected lighting. **(PD)**
  - s. 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)**
  - t. The establishment must have a working alarm system. **(PD)**
  - u. The establishment must secure alcohol after hours. **(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: 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)**
  - w. 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. 19-006 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.

**THE MEETING WAS ADJOURNED AT 1:56 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MAY 15, 2019, AT 1:30 P. M.**

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Ricky Ramos  
Zoning Administrator

RR:jg