

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

WEDNESDAY, MAY 15, 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, 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 indicated that they had not received any comments either for or against the request.

THE PUBLIC HEARING WAS OPENED.

Ed Mountford, applicant, noted that he had been informed that the California Coastal Commission has added last minute comments to the mitigation plan. Due to the last minute notice, the applicant would like a condition added allowing them the opportunity to review the comments and incorporate them if necessary.

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 adding a condition allowing the applicant to review the added comments.

COASTAL DEVELOPMENT PERMIT NO. 19-004 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 Coastal Development Permit No. 19-004 will not have any significant effect on the environment and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15304 of the CEQA Guidelines. Section 15304, Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation, which do not involve the removal of healthy, mature, or scenic trees except for forestry and agricultural purposes (examples omitted). Coastal Development Permit No. 2019-004 authorizes the applicant to conduct archaeological research design, also known as archaeological grading, pursuant to Section 230.82 (E) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) on a vacant 2.5-acre portion of an approximately 5-acre property (Site) located in the City's Coastal Zone. The archaeological research design will consist of using mechanized equipment where the subsurface soils are removed in approximate 2-centimeter depth increments by a mechanical scraper under the supervision of an Archaeological Principal Investigator. This process will be limited to slow excavation in small horizontal areas of individual swaths the width of the mechanical scraper blade providing ultimate control. As such, the activities permitted by Coastal Development Permit No. 19-004 consist only of minor alterations to the conditions of the Site and do not involve the removal of healthy, mature, scenic trees.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 19-004:

1. Coastal Development Permit No. 19-004 to permit archaeological research design, also known as archaeological grading, and monitoring activities pursuant to HBZSO Section 230.82(E) on a vacant 2.5-acre portion of an approximately 5-acre property located in the Coastal Zone (Site) conforms with the City's General Plan and the City's Local Coastal Program in that the project is consistent with the Coastal Element Historic and Cultural Resources Objective C 5.1 to identify and protect, to the maximum extent feasible, significant archaeological, paleontological and historic resources in the Coastal Zone. The subject site is located within the Windward Specific Plan (SP16), which was certified as part of the City's Local Coastal Program by the Coastal Commission on December 12, 2018. The conditions precedent to SP16 becoming operative are set forth in Section 5.4.1 of SP16, as certified by the Coastal Commission. None of the conditions precedent to SP16 becoming operative have occurred. Therefore, by its own terms, SP16 is not yet operative with respect to the Site. The activity permitted by Coastal Development Permit No. 19-004 is solely for determining the presence and significance of any archaeological, paleontological, or cultural resources prior to the submittal of a Coastal Development Permit application for grading of the Site for residential development pursuant to the Windward Specific Plan (SP16) after SP16 becomes operative. Further, Coastal Development Permit No. 19-004 is consistent with the City's Local Coastal Program in that it authorizes archaeological research design prior to future development of the Site to implement Policy C5.1.4 of the Coastal Element. The project is consistent with the Coastal Element Water and Marine Resources Policy C 6.1.2 in that special protection shall be given to areas and species of special biological or economic significance. To ensure protection of special biological species, the applicant has conducted a preconstruction Southern Tarplant and Burrowing Owl Survey of the project site, completed on March 27, 2019, which did not identify southern tarplant or burrowing owls on the site. A subsequent survey completed May 2, 2019 also reported that southern tarplant was not present.

2. Coastal Development Permit No. 19-004 to permit archaeological research design and monitoring activities on a vacant 2.5-acre portion of an approximately 5-acre property located in the Coastal Zone is consistent with the CZ Overlay District, Chapter 245 of the HBZSO, authorizes the archaeological research design required by Section 230.82(E) of the HBZSO, and is consistent with other applicable provisions of the Municipal Code. With respect to residential development of the Site, which is the subject of the Windward Specific Plan (SP16), Section 230.82(E) of the HBZSO requires that before the City's consideration of a Coastal Development Permit for grading or other residential development, an archeological investigation must occur. Coastal Development Permit No. 19-004 does not authorize any grading or other development of the Site for the residential development authorized by SP16. The Archaeological Monitoring and Mitigation Plan, which specifies the methodology for the archaeological research design activities covered under Coastal Development Permit 19-004, will ensure that coastal resources on the Site are appropriately identified, monitored, and protected in accordance with the mitigation measures of Mitigated Negative Declaration No. 16-003 approved in connection with the City's approval of SP16.
3. Coastal Development Permit No. 19-004 to permit archaeological research design on a vacant 2.5-acre portion of an approximately 5-acre property located in the Coastal Zone can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. Although the Site is located in an urbanized area with all necessary services and infrastructure available, the archaeological research design and monitoring activities are not required to be supported through new infrastructure.
4. Coastal Development Permit No. 19-004 to permit archaeological research design and monitoring activities on a vacant 2.5-acre portion of an approximately 5-acre property located in the Coastal Zone conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act because the project will not impede public access, recreation, or views to coastal resources. In accordance with the Archaeological Monitoring and Mitigation Plan and the conditions of approval, the Site is required to be restored to pre-project conditions. As such, no permanent development including changes to existing or planned coastal access or recreation opportunities would occur as a result of the archaeological research design authorized by Coastal Development Permit No. 19-004. The applicant/developer acknowledges that the limited archaeological studies approved under Coastal Development Permit No. 19-004 shall not be construed, standing alone, as vesting the development rights SP16.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 19-004:

1. The project narrative, site plans, and Archaeological Monitoring and Mitigation Plan received and dated May 15, 2019 shall be the conceptually approved project.
2. On-site grading and monitoring activities shall adhere to the requirements outlined in Mitigation Measures CR-1 through CR-6 of Mitigated Negative Declaration No. 2016-003.
3. Even though the Windward Specific Plan (SP16) is not yet operative, the applicant/developer shall follow the performance standards specified in Sections 3.7.A (Cultural/Archaeological Resources) and 3.7.B (Paleontological Resources) of the SP 16.
4. At the conclusion of the archaeological research design, the applicant/developer shall restore the Site to pre-Coastal Development Permit conditions.

5. Fire/Emergency Access and Site Safety shall be maintained during project construction phases in compliance with CFC Chapter 33, Fire Safety During Construction and Demolition. **(FD)**
6. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**
7. Prior to issuance of a Temporary Stockpile Permit, a Stockpile Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. **(PW)**
8. Prior to issuance of any grading permit(s) for projects that will result in soil disturbance of one or more acres of land, the applicant shall demonstrate that coverage has been obtained under the Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) [General Construction Permit] by providing a copy of the Notice of Intent (NOI) submitted to the State of California Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number

Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements submitted to the Public Works Department for review and acceptance. A copy of the current SWPPP shall be kept at the project site and another copy submitted to the City. **(PW)**

9. The name and phone number of an on-field supervisor hired by the developer shall be submitted to the Community Development and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He or She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule 403. **(PW)**
10. Wind barriers shall be installed along the perimeter of the site. **(PW)**
11. All stockpiles of soils shall be properly covered, stored, and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion, or dispersion. **(PW)**
12. The applicant's stockpile/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. **(AQMD Rule 403)**
13. CDP No. 19-004 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.

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

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

ITEM 2: CONDITIONAL USE PERMIT NO. 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 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
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15303, Class 03, 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. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

THE PUBLIC HEARING WAS OPENED.

Franklin Orozco, applicant, stated that he had no comments or concerns with staff's recommendations.

Ricky Ramos, Zoning Administrator, asked the applicant if the meter pedestal was necessary. A brief discussion took place regarding the need for the meter pedestal. Ms. Aube noted that she sent CalTrans the plans for comment and they did not have any comments or concerns regarding the above ground pedestal.

Mr. Ramos inquired if Public Works standards allow the meter pedestal. Ms. Aube stated that she did send the proposed project to Public Works and they had no comments.

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. 19-004/ COASTAL DEVELOPMENT PERMIT NO. 19-002 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15302 of the CEQA Guidelines, because the project involves the removal of an existing utility pole and the replacement of a new utility pole on the same site, and includes the installation of small new equipment for a wireless communication facility.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 19-004:

1. Conditional Use Permit No. 19-004 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 cell wireless equipment at an overall height of 32 ft. 6 in. and new infrastructure in the public right-of-way, as conditioned, 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 compact size of the antenna and screening of ancillary equipment is compatible with the existing visual character of the utility infrastructure. Furthermore, the proposed wireless facility and associated equipment will not obstruct the public right-of-way as the facility is located at heights above average vehicular and pedestrian lines of sight. The project incorporates pole-mounted equipment that minimize visual impacts of the installation, and will not interfere with other communication, radio, or television transmission/reception in and around the subject site. No significant impacts related to traffic, safety, or noise will be generated by the wireless communication facility.
2. The granting of Conditional Use Permit No. 19-004 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 cell wireless equipment at an overall height of 32 ft. 6 in. and new infrastructure in the public right-of-way, will not adversely affect the General Plan in that it is consistent with the following General Plan goals and policies:

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

b. Public Services and Infrastructure Element

Goal PSI-10: Superior electricity, natural gas, telephone, and data services improve quality of life and support economic development.

Policy PSI-10-C: Support the use of new and emerging communication technologies.

Conditional Use Permit No. 19-004 will permit the installation of a wireless communication facility on an existing utility pole. The facility is designed, and conditioned, in a manner that will be minimally noticeable from the public right-of-way and is located outside of typical vehicular and pedestrian lines of sight. The antenna and associated equipment blend in with the existing utility infrastructure of the streetscape. The conditional use permit will provide improved wireless communication services to surrounding residences and businesses.

3. Conditional Use Permit No. 19-004 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 cell wireless equipment at an overall height of 32 ft. 6 in. and new infrastructure in the public right-of-way 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 in that a conditional use permit is required because the wireless communication facility does not incorporate completely stealth techniques, as the antenna and ancillary equipment are visible from the public right-of-way. The facilities are compatible with utility infrastructure in the surrounding area because the small scale of the equipment blends with the existing streetscape.

FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 19-002:

1. Coastal Development Permit No. 19-002 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 cell wireless equipment at an overall height of 32 ft. 6 in. and new 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. 19-002 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 cell wireless equipment at an overall height of 32 ft. 6 in. and new 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. 19-002 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 cell wireless equipment at an overall height of 32 ft. 6 in. and new 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 24 ft. 10 in. high wooden utility pole and replacement with a new 30 ft. high wooden utility pole to install small cell wireless equipment at an overall height of 32 ft. 6 in. and new 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 – CONDITIONAL USE PERMIT NO.19-004/COASTAL DEVELOPMENT PERMIT NO. 19-002:

1. The site plan, photo simulations, and elevations received and dated March 28, 2019 shall be the conceptually approved design with the following modifications:
 - a. All equipment and antennas shall be painted to match the pole.
 - b. The plans shall be revised to depict the above ground meter pedestal.
2. A copy of the revised plans modified in accordance with Condition of Approval No. 1 shall be submitted to the Community Development Department for review and inclusion in the entitlement file.
3. An Encroachment Permit from Caltrans is required for work on Pacific Coast Highway. **(PW)**
4. Construction plans shall be prepared for review and approval by Caltrans. The plan shall comply with Caltrans codes, standards and specifications. **(PW)**
5. All pole mounted equipment/antenna(s) and brackets shall be painted to match pole. **(PW)**
6. CUP No. 19-004/CDP No. 19-002 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.
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. 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, 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.

THE PUBLIC HEARING WAS OPENED.

James Sdrales, applicant, inquired if the patio operating hours could be modified for special events. Mr. Ramos stated that he was not sure he could make the findings given the proximity to residences. Mr. Sdrales stated that he 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.

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

ENTITLEMENT PLAN AMENDMENT NO. 19-001 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. 19-001:

1. Entitlement Plan Amendment No. 19-001 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 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 similar uses. The use is primarily a restaurant and the sale and service of general alcohol is ancillary to the primary restaurant use. The amended operation hours and proposed outdoor patio will benefit and serve the other uses in the center as well as the residential uses in the vicinity. The restaurant and proposed patio are not anticipated to generate additional noise, traffic, or impacts above existing conditions. As conditioned, the outdoor patio will not stay open past 10:00 p.m. The storefront of the restaurant and outdoor patio are oriented toward a major street (Magnolia St.). The outdoor patio area is more than 100 ft. from the nearest residence and is buffered from noise related to the business by an existing parking lot and major street. In addition, the sale, service and consumption of general alcohol sales will be contained within the existing restaurant and in the delineated 342 sq. ft. outdoor patio area.
2. The granting of the entitlement plan amendment 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 will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG (Commercial General) 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 alcohol in conjunction with an existing eating and drinking establishment

in a safe manner for residents and customers from the surrounding area. The extended operation hours for the restaurant and the proposed patio are not anticipated to generate additional noise, traffic, or impacts above existing conditions. The residential uses to the east of the subject site are buffered from noise related to the business by an existing parking lot and major street. The proposed outdoor patio area is more than 100 ft. away from the nearest residence and the entrance of the restaurant and patio area is oriented toward Magnolia Street. Conditions have been added to the request which limit the use and manner in which alcohol may be sold and consumed on-site to ensure the proposed use will be compatible with the surrounding neighborhood while providing a service that will meet the needs of the community and increase sale tax revenue.

3. The proposed Entitlement Plan Amendment No. 19-001 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 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 because the General Plan land use designation and CG zoning designation anticipated eating and drinking facilities with alcohol service, sale and consumption in this area. The sale and service of alcohol is ancillary to the primary restaurant use and the proposed outdoor patio will serve to augment the overall dining experience. The proposed use will comply with all building occupancy/exiting requirements.

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 19-001:

1. The site plan, floor plans, and elevations received and dated February 25, 2019 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to the following:
 - i. Daily (restaurant): 7:00 a.m. – 2:00 a.m.
 - ii. Daily (outdoor patio): 7:00 a.m. – 10:00 p.m.
 - b. Prior to the sales, service, or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing On Sale Alcohol Sales. The business shall be limited to a Type 47 (On Sale Eating Place) or Type 41 (On Sale Beer/Wine Eating Place) ABC license. All conditions contained in the ABC license shall be adhered to. **(PD)**
 - c. There shall be no entertainment, beyond ambient recorded music, allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment which would require additional parking, like dancing, or modification of plans dated 10-13-16 (CUP 16-041) would need approval by the Planning Department and may require a Conditional Use Permit (CUP) for this specific use. **(PD)**
 - d. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available to the public until at least one hour prior to the scheduled closing time. **(PD)**

- e. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
- f. All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business. **(PD)**
- g. No new customers shall be permitted after 30 minutes before closing. **(PD)**
- h. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- i. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- j. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- k. All alcoholic beverages shall remain within the interior of the restaurant and bar, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). **(PD)**
- l. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- m. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- n. No consumption of alcoholic beverages shall be permitted in the outdoor patio entrance way before the pillar, at any time. **(PD)**
- o. 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)**
- p. Only an employee and not a patron will be permitted to carry an alcoholic beverage from the interior portion of the premises to said patio area, nor from said patio area to the interior portion of the premises. **(PD)**
- q. Entertainment shall not be allowed on the patio, unless approved by an Entertainment Permit. **(PD)**
- r. Signs shall be posted in a conspicuous space at the exits of the restaurant and patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- s. 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)**
- t. All persons engaged in the sale or service of alcohol shall complete a 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

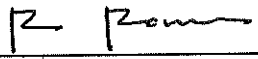
every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. (PD)

- u. 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)
 - v. All owners, employees, representatives, and agents shall 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. EPA No. 19-001 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, JUNE 5, 2019, AT 1:30 P. M.

A handwritten signature in black ink, appearing to read 'Ricky Ramos', is written over a horizontal line.

Ricky Ramos
Zoning Administrator

RR:jg