

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

WEDNESDAY, FEBRUARY 5, 2020 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Nicolle Aube, Tess Nguyen, Joanna Cortez, Isela Siordia

PUBLIC COMMENTS: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 19-027 (WHOLE FOODS MARKET RESTAURANT ALCOHOL SALES):

APPLICANT: Ryan Bissett, Whole Foods Market, 550 Bowie Street, Austin, TX 78703

PROPERTY OWNER: Brookhurst & Adams LLC, C/O Western Realty, 2760 East Spring St., Suite 200, Long Beach, CA 90806

REQUEST: To permit the sales, service, and consumption of alcohol (ABC Type 47 License) within a proposed 1,824 sq. ft. eating and drinking establishment and 394 sq. ft. outdoor patio of a proposed 44,448 sf grocery store with an on-site instructional tasting area (ABC Type 86 License).

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

LOCATION: 10081 Adams Avenue, 92646 (northeast corner of Brookhurst Street and Adams Avenue)

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.

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

THE PUBLIC HEARING WAS OPENED.

Stephen Jameson, representative for applicant, stated that he had no comments or concerns with the staff's recommendations. Mr. Jameson briefly reviewed use of his ABC licenses.

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.

CONDITIONAL USE PERMIT NO. 19-027 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 – CONDITIONAL USE PERMIT NO. 19-027:

1. Conditional Use Permit No. 19-027 to permit the sales, service, and consumption of alcohol (ABC Type 47 License) within a proposed 1,824 sq. ft. eating and drinking establishment and 394 sq. ft. outdoor patio of a proposed 44,448 sq. ft. grocery store with an on-site instructional tasting area (ABC Type 86 License) 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 grocery store and the request for general alcohol service and a tasting area is ancillary to the primary retail use. The additional service of alcohol sales and tasting area will benefit and serve the other uses in the center as well as the residential uses in the vicinity. The restaurant and patio are not anticipated to generate additional noise, traffic, or impacts above existing conditions. The retail storefront and the outdoor patio are both oriented toward Adams Ave, a major street, and oriented away from the nearest residential use (approximately 200 ft. east). In addition the sale, service, and consumption of alcohol will be contained within the 1,824 sq. ft. restaurant and 394 sq. ft. outdoor patio area.
2. The granting of Conditional Use Permit No. 19-027 to permit the sales, service, and consumption of alcohol (ABC Type 47 License) within a proposed 1,824 sq. ft. eating and drinking establishment and 394 sq. ft. outdoor patio of a proposed 44,448 sq. ft. grocery store with an on-site instructional tasting area (ABC Type 86 License) will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG (Commercial Neighborhood) 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 a proposed eating and drinking establishment within a grocery store with an on-site instructional alcohol tasting area in a safe manner for residents and customers from the surrounding area. This 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 in a vacant suite within

an existing commercial center and is located along an arterial street with adequate accessibility.

3. Conditional Use Permit No. 19-027 to permit the sales, service, and consumption of alcohol (ABC Type 47 License) within a proposed 1,824 sq. ft. eating and drinking establishment and 394 sq. ft. outdoor patio of a proposed 44,448 sq. ft. grocery store with an on-site instructional tasting area (ABC Type 86 License) will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the proposed eating and drinking establishment with alcohol sales, service, and consumption and an on-site instructional alcohol tasting area within a grocery store is permitted subject to a Conditional Use Permit within the CG (Commercial General) zoning district pursuant to Section 211.04 of the HBZSO. The proposed establishment will be located within an existing commercial center, which conforms to applicable site development standards, including parking.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-027:

1. The site plan, floor plans, and elevations received and dated November 8, 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. Monday – Sunday: 6:00 AM – 12:00 AM
 - ii. Monday – Sunday (outdoor patio): 7:00 AM – 10:00 PM
 - 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 the sales, service, or consumption of alcoholic beverages. **(PD)**
 - c. All areas of the store where the sales, service, and consumption of alcoholic beverages occur shall be equipped with lighting with sufficient power to illuminate and permit the identification of patrons. **(PD)**
 - d. The outdoor dining/patio area shall have a physical barrier of no less than 36 inches in height surrounding the outdoor dining areas and designed in a manner that will prohibit passing alcohol through the barrier. **(PD)**
 - e. No dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM. **(PD)**
 - f. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
 - g. 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)**

- h. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
 - i. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
 - j. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
 - k. 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)**
 - l. Clearly legible signage shall be affixed inside the restaurant and outdoor dining/patio area entrances/exits points which shall state, "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
 - m. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
 - n. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(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 shall obey all state, local, and municipal laws, conditions of the Conditional Use Permit, Alcoholic Beverage Control License, or any other regulations, provision, or restrictions prescribed at all times. Any violations of any law or conditions will be considered violations of the permit to constitute permit suspensions or revocation in addition to civil or criminal enforcement. **(PD)**
3. CUP No. 19-027 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. 19-013 (DO RESIDENCE ADDITION):

APPLICANT:	Nicole Hannouche, 20250 SW Acacia Street #145, Newport Beach, CA 92660
PROPERTY OWNER:	Liem and Anh Do, 16291 Typhoon Lane, Huntington Beach, CA 92649
REQUEST:	To permit a 2,228 sq. ft. second floor addition, 288 sq. ft. of second floor decks, and interior remodel to an existing 2,226 sq. ft. single-family residence at an overall height of approximately 30 ft. This includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15301, Class 1, California Environmental Quality Act. Appealable
LOCATION:	16291 Typhoon Lane, 92649 (north side of Typhoon Lane, north of Venture Drive)
CITY CONTACT:	Tess Nguyen

Tess Nguyen, 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.

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

THE PUBLIC HEARING WAS OPENED.

Nicole Hannouche, applicant, stated that she had no comments or concerns with the staff's recommendations.

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. 19-013 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 consists of a remodel and addition to an existing single-family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 19-013:

1. Coastal Development Permit No. 19-013 to permit an approximately 2,228 sq. ft. second floor addition and remodel to an existing 2,226 sq. ft. single family dwelling at approximately 30 ft. in height 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 addition will occur entirely on a developed site, contiguous to existing single-family residential development.
2. Coastal Development Permit No. 19-013 to permit an approximately 2,228 sq. ft. second floor addition and remodel to an existing 2,226 sq. ft. single family dwelling at approximately 30 ft. in height 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, as conditioned, will comply with all applicable development regulations, including maximum building height, minimum yard setbacks, lot coverage, and infill lot requirements.
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. 19-013 for an approximately 2,228 sq. ft. second floor addition and remodel of an existing 2,226 sq. ft. single family dwelling at approximately 30 ft. in height is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 19-013 to permit an approximately 2,228 sq. ft. second floor addition and remodel to an existing 2,226 sq. ft. single family dwelling at approximately 30 ft. in height 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. 19-013:

1. The site plan, floor plans, and elevations received and dated November 6, 2019 and elevation received and dated January 14, 2020 shall be the conceptually approved layout.
2. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements 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. The final building permit(s) cannot be approved until the following have been 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.
4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. Coastal Development Permit No. 19-013 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: CONDITIONAL USE PERMIT NO. 19-026 (WINGSTOP BEER AND WINE):

APPLICANT: Sheryl Brady, Far West Restaurant Group, LLC, 13400 Riverside Dr. #202, Sherman Oaks, CA 91423
PROPERTY OWNER: Business Properties Partnership No. 6, 425 California Street, 10th Floor, San Francisco, CA 94104
REQUEST: To allow the sale, service, and consumption of beer and wine (ABC License Type 41) within a 1,549 sq. ft. eating and drinking establishment.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15301, Class 1, California Environmental Quality Act.
LOCATION: 20100 Magnolia Street #105, 92646 (southeast corner of Magnolia St. and Adams Ave.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, 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. Cortez noted that staff did not receive any inquiries regarding the proposed permit.

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

THE PUBLIC HEARING WAS OPENED.

Sheryl Brady, applicant, stated that she had no comments or concerns with the staff's recommendations. Ms. Brady gave a brief review regarding the purpose for the use of ABC License Type 41.

Mr. Ramos suggested modification to hours of operations to be set from 7:00am to 12:00am. Ms. Cortez confirmed approval from applicant to move forward with conditions.

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.

CONDITIONAL USE PERMIT NO. 19-026 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 – CONDITIONAL USE PERMIT NO. 19-026:

1. Conditional Use Permit No. 19-026 to allow the sale, service, and consumption of beer and wine (ABC License Type 41) within a 1,549 sq. ft. eating and drinking establishment 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 request for beer and wine is ancillary to the primary use. The additional service of beer and wine sales will benefit and serve the other uses in the center as well as the residential uses in the vicinity. The restaurant is not anticipated to generate additional noise, traffic, or impacts above existing conditions. The retail storefront is oriented west, toward Magnolia Street, a major street, and oriented away from the nearest residential use, (approximately 100 ft. west). Additionally, the sale, service, and consumption of beer and wine will be contained within the 1,549 sq. ft. restaurant.
2. The granting of Conditional Use Permit No. 19-026 to allow the sale, service, and consumption of beer and wine (ABC License Type 41) within a 1,549 sq. ft. eating and drinking establishment 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 beer and wine in conjunction with a proposed 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 in a vacant suite within an existing commercial center and is located along an arterial street with adequate accessibility.

3. Conditional Use Permit No. 19-026 to allow the sale, service, and consumption of beer and wine (ABC License Type 41) within a 1,549 sq. ft. eating and drinking establishment will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the proposed eating and drinking establishment with beer and wine sales is permitted subject to a Conditional Use Permit within the CG (Commercial General) zoning district pursuant to Section 211.04 of the HBZSO. The proposed establishment will be located within an existing commercial center, which conforms to applicable site development standards, including parking.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-026:

1. The site plan, floor plans, and elevations received and dated November 6, 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: Monday – Sunday: 7:00 AM – 12:00 AM
 - 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 reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
 - e. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
 - f. 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)**
 - g. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of food pairing, if applicable. **(PD)**
 - h. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment which would require modification of plans dated 11/06/19 or that require addition parking, like dancing, would need approval by the Planning Department and may require a Permit for that specific use. **(PD)**
 - i. Signs shall be posted in a conspicuous space at the entrance/exit of the restaurant which shall state "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
 - j. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
 - k. 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)**
 - l. 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)**

- m. 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)**
 - n. 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)**
 - o. 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. 19-026 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 4: ENTITLEMENT PLAN AMENDMENT NO. 19-012 (TWO BROTHERS PIZZA):

APPLICANT: Dave Donaldson, 5100 Birch, Suite 100, Newport Beach, CA 92660
PROPERTY OWNER: JC Family Property Group, Inc., PO BOX 70249, Los Angeles, CA 90070
REQUEST: To amend Conditional Use Permit No. 19-002 to allow an existing restaurant to expand into the adjacent suite (totaling 6,955 sq. ft. restaurant and 545 sq. ft. of outdoor dining) and allow the sales, service, and consumption of beer and wine (ABC License Type 41).
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15301, Class 1, California Environmental Quality Act.
LOCATION: 9891 and 9901 Yorktown Avenue, 92646 (northwest corner of Yorktown Ave. and Brookhurst St.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, 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. Cortez noted that staff did not receive any inquiries regarding the proposed permit.

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

THE PUBLIC HEARING WAS OPENED.

Dave Donaldson, applicant, stated that he had no comments or concerns with the staff's recommendations.

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.

ENTITLEMENT PLAN AMENDMENT NO. 19-012 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) 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. 19-012:

1. Entitlement Plan Amendment No. 19-012 to amend Conditional Use Permit No. 19-002 to allow an existing restaurant to expand into the adjacent suite (totaling 6,955 sq. ft. restaurant and 545 sq. ft. of outdoor dining) and allow the sales, service, and consumption of beer and wine (ABC License Type 41) 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 request to expand beer and wine sales is ancillary to the primary restaurant use. The additional service of beer and wine alcohol sales will benefit and serve the other uses in the center as well as the residential uses in the vicinity. The expanded restaurant and patio are not anticipated to generate additional noise, traffic, or impacts above existing conditions. The restaurant storefront and the outdoor patio are both oriented toward Yorktown Ave, a major street, and oriented away from the nearest residential use (approximately 150 ft. away). In addition the sale, service, and consumption of the beer and wine sales will be contained within the 6,955 sq. ft. restaurant and 545 sq. ft. outdoor patio area.

2. The granting of Entitlement Plan Amendment No. 19-012 to amend Conditional Use Permit No. 19-002 to allow an existing restaurant to expand into the adjacent suite (totaling 6,955 sq. ft. restaurant and 545 sq. ft. of outdoor dining) and allow the sales, service, and consumption of beer and wine (ABC License Type 41) will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CN (Commercial Neighborhood) 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 a proposed eating and drinking establishment in a safe manner for residents and customers from the surrounding area. The proposed expansion provides expanded goods and services to meet the needs of the area and will add to the capture of sales tax revenue. The expanded portion is located in a vacant suite that was previously a restaurant and is located along an arterial street with adequate accessibility.

3. Entitlement Plan Amendment No. 19-012 to amend Conditional Use Permit No. 19-002 to allow an existing restaurant to expand into the adjacent suite (totaling 6,955 sq. ft. restaurant and 545 sq. ft. of outdoor dining) and allow the sales, service, and consumption of beer and wine (ABC License Type 41) will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the proposed eating and drinking establishment with beer and wine sales, service, and consumption is permitted subject to a Conditional Use Permit within the CG (Commercial General) zoning district pursuant to Section 211.04 of the HBZSO. The expanded establishment is located within an existing commercial center, which conforms to applicable site development standards, including parking.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 19-012:

1. The site plan, floor plans, and elevations received and dated November 4, 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. Monday – Thursday: 7:00 AM – 10:00 PM
 - ii. Friday-Saturday: 7:00 AM – 12:00 AM
 - iii. Sunday: 7:00 AM – 9:00 PM
 - iv. Monday – Sunday (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 (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. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
 - e. 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)**
 - f. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
 - g. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
 - h. 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 11-4-19 would need approval by a Conditional Use Permit (CUP) for this specific use by the Planning Department. **(PD)**
 - i. 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)**
 - j. Entertainment shall not be allowed on the patio, unless approved by an Entertainment Permit. **(PD)**

- k. 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)
 - l. 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)
 - m. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. (PD)
 - n. 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)
 - o. 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)
 - p. 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)
 - q. 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)
 - r. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise at all times. (PD)
3. Entitlement Plan Amendment No. 19-012 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 1:46 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, FEBRUARY 19, 2020, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:is