

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

WEDNESDAY, FEBRUARY 19, 2020 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Hayden Beckman, Joanna Cortez, Isela Siordia

PUBLIC COMMENTS: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 19-028 / COASTAL DEVELOPMENT PERMIT NO. 19-014 (O'NEILL RESIDENCE):

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| APPLICANT: | Natalia Biron, YNG Architects, Inc., 1524 Brookhollow Drive, Ste. 6, Santa Ana, CA 92705 |
| PROPERTY OWNER: | Brian O'Neill, 17007 Edgewater Lane, Huntington Beach CA 92649 |
| REQUEST: | To demolish an existing two-story single-family residence and permit the construction of a new three-story 4,515 sq. ft. single family residence with a 595 sq. ft. garage, 81 sq. ft. porch, and an approximately 400 sq. ft. 3rd floor deck at an overall height of 30 ft.-3 in. 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 15303, Class 3, California Environmental Quality Act. Appealable |
| LOCATION: | 17007 Edgewater Lane, 92649 (South side of Edgewater Lane, fronting Weatherly Bay in Huntington Harbour) |
| 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. Mr. Beckman noted that staff did receive one call from the City Manager's office regarding the proposed permit. Mr. Beckman stated the call was for clarification of the project.

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

THE PUBLIC HEARING WAS OPENED.

Yen Ng, project architect, 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 with modified conditions.

CONDITIONAL USE PERMIT NO. 19-028/COASTAL DEVELOPMENT PERMIT NO. 19-014 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 15303 of the CEQA Guidelines because the project consists of the construction of one single-family residence within a residential zone.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-028

1. Conditional Use Permit No. 19-028 to demolish an existing two-story single-family residence and permit the construction of a new three-story 4,515 sq. ft. single family residence with a 595 sq. ft. garage, 81 sq. ft. porch, and an approximately 400 sq. ft. 3rd floor deck at an overall height of 30 ft.-3 in. 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 third floor addition is designed to be confined within the second floor roof volume, which facilitates the structure's resemblance as a two-story home with mass and scale that is similar to the homes in the neighborhood. In addition, all vertical projections, including the proposed third floor deck, are set back at least five feet from the building exterior and are oriented toward the public channel to ensure privacy for abutting neighbors is maintained.
2. The granting of the Conditional Use Permit No. 19-028 to demolish an existing two-story single-family residence and permit the construction of a new three-story 4,515 sq. ft. single family residence with a 595 sq. ft. garage, 81 sq. ft. porch, and an approximately 400 sq. ft. 3rd floor deck at an overall height of 30 ft.-3 in. will not adversely affect the General Plan because it is consistent with the Land Use Element designation RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU-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.

Policy LU-4 (D): Ensure that single-family residences are of compatible proportion, scale and character to surrounding neighborhoods.

The proposed request is consistent with the requirements of the base zoning district such as on-site parking, building setbacks, height, landscaping, and lot coverage. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. The proposed dome component of the third floor complies with maximum allowable height for architectural features and the projection will not impact public visual resources within the Coastal Zone. The proposed third floor habitable space will be integrated within the confines of the second story roof volume to ensure the proposed dwelling will be compatible in proportion and scale with the surrounding neighborhood. Furthermore, the deck will be oriented toward the public channel to ensure privacy is maintained for abutting residences, and is set back more than five feet from the building exterior, further ensuring privacy is maintained onto abutting residences.

3. Conditional Use Permit No. 19-028 to demolish an existing two-story single-family residence and permit the construction of a new three-story 4,515 sq. ft. single family residence with a 595 sq. ft. garage, 81 sq. ft. porch, and an approximately 400 sq. ft. 3rd floor deck at an overall height of 30 ft.-3 in. 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 project complies with minimum on-site parking, building setbacks, height, landscaping, and lot coverage. Furthermore, the third floor deck will be set back a minimum of five feet from the second floor façade and is oriented toward the public channel, as required by the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). Third floor habitable space, including decks, are allowed for all single-family dwellings in the RL zoning district with the approval of a conditional use permit.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 19-014:

1. Coastal Development Permit No. 19-014 to demolish an existing two-story single-family residence and permit the construction of a new three-story 4,515 sq. ft. single family residence with a 595 sq. ft. garage, 81 sq. ft. porch, and an approximately 400 sq. ft. 3rd floor deck at an overall height of 30 ft.-3 in. conforms with the General Plan, including the Local Coastal Program because the project is consistent with the Coastal Element Land use Policy C 1.1.1 to encourage new development to locate within, contiguous to, or in close proximity to existing developed areas able to accommodate it. The proposed project will occur entirely on a developed site, contiguous to existing single-family residential development.
2. The request to permit the demolition of an existing two-story single-family residence and the construction of a new three-story 4,515 sq. ft. single family residence with a 595 sq. ft. garage, 81 sq. ft. porch, and an approximately 400 sq. ft. 3rd floor deck at an overall height of 30 ft.-3 in. is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project, as conditioned, will comply with all applicable development regulations, including 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. 19-014, for the demolition of an existing two-story single-family residence and construction of a new three-story 4,515 sq. ft. single family residence with a 595 sq. ft.

garage, 81 sq. ft. porch, and an approximately 400 sq. ft. 3rd floor deck at an overall height of 30 ft.-3 in., is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. Coastal Development Permit No. 19-014 to permit the demolition of an existing two-story single-family residence and construction of a new three-story 4,515 sq. ft. single family residence with a 595 sq. ft. garage, 81 sq. ft. porch, and an approximately 400 sq. ft. 3rd floor deck at an overall height of 30 ft.-3 in. conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 19-028 / COASTAL DEVELOPMENT PERMIT NO. 19-014:

1. The site plan, floor plans, and elevations received and dated January 9, 2020 shall be the conceptually approved layout with the following modification:
 - a. Revise the room labels of each floor plan to reflect a maximum of four (4) bedrooms.
2. 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. Conditional Use Permit No. 2019-028 in conjunction with Coastal Development Permit No. 19-014 shall become null and void unless exercised within one year of the date of final approval, or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, or as modified by condition of approval. An 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 2: CONDITIONAL USE PERMIT NO. 19-030 (O'BRIEN WALL):

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| APPLICANT/ PROPERTY OWNER: | Devon and Darci O'Brien, 312 3rd Street, Huntington Beach CA 92648 |
| REQUEST: | To permit the installation of a 24 in. high glass wall extension on top of an existing 33.5 in. high wall for a maximum overall height of 57.5 inches in lieu of the maximum 42 in. allowable wall height within the front yard setback. |
| ENVIRONMENTAL STATUS: | This request is covered by Categorical Exemption Section 15301, Class 1, California Environmental Quality Act. |
| LOCATION: | 312 3rd Street, 92648 (East side of 3rd Street, midblock between Orange Avenue and Olive Avenue) |
| | Non-Appealable |
| CITY CONTACT: | Hayden Beckman |

Hayden Beckman, Senior Planner, 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. Mr. Beckman noted that staff did receive one email inquiry regarding the proposed permit with concerns impacting property value.

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

THE PUBLIC HEARING WAS OPENED.

Devon and Darci O'Brien, applicants, stated that they had no comments or concerns with the staff's recommendations. A brief discussion took place regarding common wall requirements and Mr. Ramos suggested that the applicants seek clarification from the Building Division prior to the start of the project.

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. 19-030 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 15303 of the CEQA Guidelines because the project consists of the construction of a wall, ancillary to a single family residence.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-030

1. Conditional Use Permit No. 19-030 to install a 24 in. high glass wall extension on top of an existing 33.5 in. high wall for a maximum overall height of 57.5 inches in lieu of the maximum 42 in. allowable wall height within the front yard setback 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 although the wall exceeds the maximum height allowed within the front yard setback, the proposed height will not pose a safety or traffic hazard, as the new 24 inches of wall is transparent glass and visual clearances along the front and side property lines will be maintained. The proposed wall is consistent with other legally established walls and fences located within front yard setbacks in the vicinity. The existing 33.5 in. high wall is buffered by an existing 3 ft. landscape planter and an additional landscaped planter box along the front property line, reducing the overall bulk and appearance of the screen wall and creating an attractive streetscape.
2. The granting of the Conditional Use Permit No. 19-030 to install a 24 in. high glass wall extension on top of an existing 33.5 in. high wall for a maximum overall height of 57.5 inches in lieu of the maximum 42 in. allowable wall height within the front yard setback will not adversely affect the General Plan because it is consistent with the Land Use Element designation M (Mixed Use) and District 4 development standards applicable to the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

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.

The overall height of the wall will match the surrounding properties because the neighborhood is developed with single-family residences with similar wall heights and the proposed wall extension will be made of transparent glass. Landscaping exists between the wall and the sidewalk improving the aesthetics of the streetscape. The visual character of

the neighborhood will not be negatively impacted because the proposed wall is consistent with other legally established walls located along property lines in the vicinity.

3. Conditional Use Permit No. 19-030 to install a 24 in. high glass wall extension on top of an existing 33.5 in. high wall for a maximum overall height of 57.5 inches in lieu of the maximum 42 in. allowable wall height within the front yard setback will comply with the provisions of the applicable base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, because it allows walls to exceed the maximum height within the front yard setback upon approval of a Conditional Use Permit. In addition, all minimum landscaping and setback requirements are currently provided, reducing the overall bulk and appearance of the wall.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 19-030

1. The site plan and elevations received and dated November 27, 2019 shall be the conceptually approved layout, with an additional diagram indicating the height of existing stairs and adjacent planter wall within the front yard setback area included prior to issuance of building permits.
2. 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.
3. 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.
4. Conditional Use Permit No. 2019-030 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.
5. 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. 19-033 (SOCIAL KITCHEN ALCOHOL):

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| APPLICANT: | Craig Smith, CMS Architects, LLC, 1041 W.18th Street, Ste. A-208, Costa Mesa, CA 92627 |
| PROPERTY OWNER: | Pendulum Partners, 5 Peter's Canyon Road, Suite 350, Irvine, CA 92606 |
| REQUEST: | To allow the sale, service, and consumption of alcohol (ABC License Type 47) within a 3,800 sq. ft. eating and drinking establishment with 212 sq. ft. of outdoor dining. |
| ENVIRONMENTAL STATUS: | This request is covered by Categorical Exemption Section 15301, Class 1, California Environmental Quality Act. |
| LOCATION: | 16400 Pacific Coast Highway #100, 92649 (northeast corner of PCH and Anderson St.) Appealable |
| 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 permits. Ms. Cortez stated there would be modifications to findings # 1 and 3 and conditions # 3 and 4 to clarify language used.

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

THE PUBLIC HEARING WAS OPENED.

Craig Smith, applicants, stated that they 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.

CONDITIONAL USE PERMIT NO. 19-033 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 negligible expansion in the overall floor area of an existing restaurant.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-033:

1. Conditional Use Permit No. 19-033 to allow the sale, service, and consumption of alcohol (ABC License Type 47) within a 3,800 sq. ft. eating and drinking establishment with 212 sq. ft. of outdoor dining 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 alcohol, 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 alcohol will be an ancillary part of the restaurant use. The sale, service and consumption of alcohol will occur entirely within the commercial suite and the proposed 212 sq. ft. outdoor patio. The site is located within an existing commercial shopping center and surrounded by similar commercial uses to the south, east, and west. The nearest residential use is located approximately 419 ft. to the west and is buffered by the building, a parking lot, and other buildings within the commercial center and the entrance is oriented north toward the existing parking lot. 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 use are not anticipated.
2. The granting of Conditional Use Permit No. 19-033 to allow the sale, service, and consumption of alcohol (ABC License Type 47) within a 3,800 sq. ft. eating and drinking establishment with 212 sq. ft. of outdoor dining will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial Visitor (CV) 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-11A: 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-11B: Encourage new businesses to locate on existing vacant or underutilized commercial properties where the properties have good locations and accessibility.

The proposed use 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 a suite that formally a restaurant within an existing commercial center that is located along a major arterial street with adequate accessibility.

3. The proposed conditional use permit to permit to allow the sale, service, and consumption of alcohol (ABC License Type 47) within a 3,800 sq. ft. eating and drinking establishment with 212 sq. ft. of outdoor dining 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 CV (Commercial Visitor) zoning district pursuant to Section 211.04 of the HBZSO. The proposed establishment with an outdoor patio with the sales, service, and consumption of beer and wine will be located within an existing commercial center which 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. 19-033:

1. The site plan, floor plans, and elevations received and dated December 9, 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 (restaurant) : 7:00 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 sales, service, or consumption of alcoholic beverages. **(PD)**
 - c. 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)**
 - d. 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)**
 - e. No carryout alcohol sales shall be permitted. All alcoholic beverages shall be consumed within the restaurant or outdoor dining/patio area. **(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, except when training for knowledge of food pairing, if applicable. **(PD)**
- j. 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 12/6/19 or that require addition parking, would need approval by the Planning Department and may require a Permit for that specific use. **(PD)**
- k. Dancing is prohibited. **(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 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)**
- 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. Prior to occupancy, Applicant or Property Owner shall provide proof of permit issuance to allow for the proposed 3,800 sq. ft. restaurant and 212 sq. ft. outdoor dining area as approved by Coastal Development Permit Amendment (A-5-HNB-18-0067/5-79-6083-A1), approved on June 14, 2019.
4. Prior to building permit issuance of the 212 sq. ft. outdoor dining area, the applicant shall provide proof of final approval of the outdoor dining area from the California Coastal Commission.
5. CUP No. 19-033 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: TENTATIVE PARCEL MAP NO. 19-123 (MARINIA SUBDIVISION):

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| APPLICANT: | Michael Knapton, Kimley Horn and Associates, 401 B Street, Suite 600, San Diego, CA 92612 |
| PROPERTY OWNER: | Ryan Prager, Zeal Palace, LP, 3337 Michelson Drive, Suite 380, Irvine, CA 92612 |
| REQUEST: | To subdivide an existing 5.62 acre (marina) parcel and create a .384 acre parcel that will consist of a dock and five existing boat slips. This request also requires review and approval from the California Coastal Commission. |
| ENVIRONMENTAL STATUS: | This request is covered by Categorical Exemption Section 15315, Class 15, California Environmental Quality Act. Appealable |

LOCATION: APN: 178-291-33 (Associated with 4121 Warner Ave., 92649,
near the northeast corner of Warner Ave. and Sceptre Ln.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, Associate Planner, reported that staff is requesting a continuance to the March 4, 2020, meeting. Ms. Cortez stated there were four inquiries regarding the proposed permit.

THE PUBLIC HEARING WAS OPENED.

Ted Lewis, resident, spoke about location of boat slips and required clarification of project.

**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 continuation as recommended by staff.

**TENTATIVE PARCEL MAP NO. 19-123 WAS CONTINUED TO THE MARCH 4, 2020,
MEETING BY THE ZONING ADMINISTRATOR. STAFF STATED THAT THE ACTION TAKEN
BY THE ZONING ADMINISTRATOR MAY NOT BE APPEALED TO THE PLANNING
COMMISSION.**

**THE MEETING WAS ADJOURNED AT 1:52 P.M. TO THE NEXT REGULARLY SCHEDULED
MEETING ON WEDNESDAY, MARCH 4, 2020, AT 1:30 P. M.**



Ricky Ramos
Zoning Administrator

RR:is