

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

WEDNESDAY, NOVEMBER 3, 2021 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Hayden Beckman, Joanna Cortez, Isela Siordia, Tess Nguyen

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 21-012 (HIMALAYAN GRILL BEER AND WINE - CONTINUED FROM THE OCTOBER 20, 2021, ZONING ADMINISTRATOR MEETING):

APPLICANT: Amrit Mahato, 16400 Pacific Coast Highway, Suite 120, Huntington Beach CA 92649

PROPERTY OWNER: C. Parks, Peter's Landing Property Owner LLC, 4 Park Plaza, Suite 400, Irvine CA 92627

REQUEST: To permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within a new 1,948 sq. ft. restaurant.

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

LOCATION: 16400 Pacific Coast Highway, Suite 120, 92649 (North side of PCH, south of Anderson Street)

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.

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

THE PUBLIC HEARING WAS OPENED.

Amrit Mahato, 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 with modified conditions of approval for condition number one.

CONDITIONAL USE PERMIT NO. 21-012 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 – CONDITIONAL USE PERMIT NO. 21-012:

1. Conditional Use Permit No. 21-012 to permit the sales, service, and consumption of beer and wine within a new 1,948 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 building 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 coastal commercial area 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 commercial storefront is oriented south, facing an existing parking lot, and is approximately 225 linear feet from the nearest residence to the east. Additionally, no live entertainment or outdoor dining is proposed and the sale, service, and consumption of beer and wine will be contained within the 1,948 sq. ft. eating and drinking establishment.
2. The granting of Conditional Use Permit No. 21-012 to permit the sale, service, and consumption of beer and wine (ABC License Type 41) within a new 1,948 sq. ft. eating and drinking establishment will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CV (Commercial Visitor) 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 building and is located within the Peter's Landing commercial center with adequate accessibility.

3. Conditional Use Permit No. 21-012 to permit the sale, service, and consumption of beer and wine (ABC License Type 41) within a 1,948 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 Commercial Visitor zone pursuant to HBZSO Section 211.04. The proposed establishment will be located within an existing commercial building, which conforms to applicable site development standards, including parking.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 21-012:

1. The site plan, floor plans, and elevations received and dated August 10, 2021 shall be the conceptually approved design.
2. The use shall comply with the following conditions:
 - a. Hours of operation shall be from 11 AM to 10 PM daily.
 - b. The business shall obtain an Alcoholic Beverage Control (ABC) license authorizing alcohol use in the business. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**
 - c. No carryout alcohol sales shall be permitted. All alcoholic beverages shall be consumed within the restaurant. **(PD)**
 - d. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 PM. **(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 Beverages 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. **(PD)**
 - i. Dancing is prohibited unless a new or amended Conditional Use Permit and an Entertainment Permit is issued by the City. **(PD)**
 - j. Clearly legible signage shall be affixed inside the restaurant entrances/exit points which shall state "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
 - k. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**

- l. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. **(PD)**
 - m. All areas where the sales, service, or consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**
 - n. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
 - o. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
 - p. All owners, employees, representatives, and agents must obey all state, local, and municipal laws and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premises at all times. **(PD)**
3. CUP No. 21-012 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.

ITEM 2: CONDITIONAL USE PERMIT NO. 21-005 AND COASTAL DEVELOPMENT PERMIT NO. 21-008 (BARNSTABLE RESIDENCE):

APPLICANT: Ky Hoac, 12862 Joy Street, Suite A, Garden Grove CA 92843
PROPERTY OWNER: Rubicon Investment Properties, LLC, 16472 Barnstable Circle, Huntington Beach CA 92649
REQUEST: To construct a 2,712 sq. ft. addition, including an 899 sq. ft. third-floor addition, with a total of 172 sq. ft. of balconies to an existing 2,905 sq. ft. single-family residence at an overall height of 34 ft.-11 in.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15301, Class 1, California Environmental Quality Act. Appealable
LOCATION: 16492 Barnstable Circle, 92649 (end of Barnstable Circle, east of Humboldt 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. Ms. Nguyen stated that staff has not received any phone or email inquiries on the proposed project.

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

THE PUBLIC HEARING WAS OPENED.

Mr. Ramos noted that the applicant was not present.

Mr. Scott Wong, resident, asked questions about lot size coverage and height restrictions.

Ms. Barbara Doty, resident, expressed concern with the overall height of the proposed project.

Ms. Nguyen explained the design elements of each floor of the proposed project and presented a plan set to visualize the proposal. Ms. Nguyen explained that the project is within the second-story roof volume and the project meets the maximum height allowance.

Mr. Ramos informed both residents that project plans can be reviewed online as noted on agenda.

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. 21-005/COASTAL DEVELOPMENT PERMIT NO. 21-008 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 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 - CONDITIONAL USE PERMIT NO. 21-005:

1. Conditional Use Permit No. 21-005 to construct a 2,712 sq. ft. addition, including an 899 sq. ft. third-floor addition, with a total of 172 sq. ft. of balconies to an existing 2,905 sq. ft. single-family residence at an overall height of 34 ft.-11 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. The third floor habitable area at an overall height of 34 ft.-11 in. will be located within the confines of the second story roof volume. The proposed rooftop deck is designed be compatible in proportion and scale with the surrounding neighborhood. Although the rooftop deck is a vertical projection above the roof volume, it is setback 6.5 feet from the building exterior, which will minimize the visual mass and bulk of the structure. The rooftop deck is oriented toward the harbor and thereby ensuring privacy of adjacent properties. The third floor habitable area and deck do not exceed the height limit and will be accessible only from the interior of the building.
2. The granting of the Conditional Use Permit No. 21-005 to construct a 2,712 sq. ft. addition, including an 899 sq. ft. third-floor addition, with a total of 172 sq. ft. of balconies to an existing 2,905 sq. ft. single-family residence at an overall height of 34 ft.-11 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

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 project is consistent with the requirements of the base zoning district such as parking, building setbacks, building height, lot coverage, and privacy design standards. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. The third floor habitable area will be integrated within the confines of the second story roof volume. The rooftop deck will be oriented toward the harbor, minimizing impact to privacy on adjoining properties. The deck will also be setback 6.5 feet from the building exterior to reduce the mass and bulk of the structure.

3. Conditional Use Permit No. 21-005 to construct a 2,712 sq. ft. addition, including an 899 sq. ft. third-floor addition, with a total of 172 sq. ft. of balconies to an existing 2,905 sq. ft. single-family residence at an overall height of 34 ft.-11 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 (HBZSO) because the project complies with parking, building setbacks, building height, lot coverage, and privacy design standards. Furthermore, the rooftop deck will be set back 6.5 feet from the second floor façade and is oriented toward the public channel, as required by the 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. 21-008:

1. Coastal Development Permit No. 21-008 to construct a 2,712 sq. ft. addition, including an 899 sq. ft. third-floor addition, with a total of 172 sq. ft. of balconies to an existing 2,905 sq. ft. single-family residence at an overall height of 34 ft.-11 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 addition will occur entirely on a developed site, contiguous to existing single-family residential development.
2. Coastal Development Permit No. 21- to construct a 2,712 sq. ft. addition, including an 899 sq. ft. third-floor addition, with a total of 172 sq. ft. of balconies to an existing 2,905 sq. ft. single-family residence at an overall height of 34 ft.-11 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 proposed, will comply with all applicable development regulations, including building height, building setbacks, parking, lot coverage, and privacy design standards.
3. At the time of occupancy, the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because Coastal Development Permit No. 21-008 to construct a 2,712 sq. ft. addition, including an 899 sq. ft. third-floor addition, with a total of 172 sq. ft. of balconies to an existing 2,905 sq. ft. single-family residence at an overall height of 34 ft.-11 in. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 21-008 to construct a 2,712 sq. ft. addition, including an 899 sq. ft. third-floor addition, with a total of 172 sq. ft. of balconies to an existing 2,905 sq. ft. single-family residence at an overall height of 34 ft.-11 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. 21-005/COASTAL DEVELOPMENT PERMIT NO. 21-008:

1. The site plan, floor plans, and elevations received and dated October 7, 2021 shall be the conceptually approved design.

2. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, and Public Works 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 structure cannot be occupied and 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. Conditional Use Permit No. 21-005 and Coastal Development Permit No. 21-008 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval or by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
6. 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 1:43 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 17, 2021, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

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