

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

**WEDNESDAY, JUNE 4, 2014 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Hayden Beckman, Joanna Cortez, Ethan Edwards, Judy Demers (recording secretary)

**MINUTES:** **NONE**

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 14-008/ COASTAL DEVELOPMENT PERMIT NO. 14-007 (HIMALAYAN GRILL RESTAURANT EXPANSION AND ALCOHOL SALES-CONTINUED FROM THE MAY 21, 2014, MEETING):**

APPLICANT: Dinesh Poudel, 16400 Pacific Coast Highway, Ste. 110, Huntington Beach, CA 92649

PROPERTY OWNER: Taki Sun, Inc., 6621 E. Pacific Coast Highway, Ste. 280, Long Beach, CA 90803

REQUEST: **CUP:** To permit the sales and consumption of alcohol (beer and wine) within the new dining area of a proposed restaurant expansion and an existing 240 sq. ft. outdoor dining patio. **CDP:** To permit the expansion of an existing 1,200 sq. ft. restaurant into an adjacent 668 sq. ft. commercial tenant space.

LOCATION: 16400 Pacific Coast Highway, Suites 110 & 101 (East side of PCH, south of Anderson St.)

CITY CONTACT: Hayden Beckman

Hayden Beckman, Assistant Planner, displayed project plans and photographs 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 had received one phone call inquiring about the project.

Ricky Ramos, Zoning Administrator verified with staff that the outdoor dining area already existed. Mr. Beckman verified that the area was already there and that the applicant is required to submit a site plan for staff review.

Mr. Ramos asked staff to verify that Condition No. 2 (d) does allow for alcohol service in the outdoor dining area. Mr. Beckman stated that he would clarify the verbiage of the condition for clarity. He noted that alcohol service, if approved, will be allowed in the dining area.

**THE PUBLIC HEARING WAS OPENED.**

Logan Fidel, representing the applicant, stated that he had no comments or concerns with staff recommendations.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 14-008/ COASTAL DEVELOPMENT PERMIT NO. 14-007 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 minor alterations to an existing commercial building involving no expansion in the overall floor area of the structure.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-008:**

1. Conditional Use Permit No. 14-008 to permit the onsite sales, service, and consumption of alcoholic beverages within an approximately 668 sq. ft. restaurant expansion area and a 240 square foot outdoor dining patio will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The existing restaurant received approval for onsite alcohol (beer and wine) sales and consumption via Conditional Use Permit No. 07-018. The proposed restaurant expansion area is located within the interior of the commercial building and more than 250 feet from the nearest residential uses. Nearby residences will be buffered from the restaurant by parking lots, buildings, and Pacific Coast Highway. The proposed restaurant expansion will not generate additional noise, traffic, or safety impacts beyond that which already exists in the surrounding area.
2. The conditional use permit will be compatible with surrounding uses because the onsite sales, service, and consumption of alcohol will be ancillary to the restaurant use. The proposed use will occur entirely within indoor and outdoor areas controlled by the staff of the restaurant and operate during business hours similar to other commercial uses within the vicinity. The restaurant is located within an existing multi-tenant shopping center and will be compatible with adjacent uses which provide services to nearby residents and visitors.
3. The proposed sales, service, and consumption of alcoholic beverages within an approximately 668 sq. ft. restaurant expansion area and a 240 square foot outdoor dining patio will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The restaurant expansion with alcoholic beverage service is located within an existing commercial center, which conforms to applicable site development standards in terms of minimum off-site parking requirements. The sales, service and consumption of alcoholic beverages are permitted in the CV (Commercial Visitor) zoning district subject to approval of a conditional use permit.

4. The granting of the conditional use permit 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

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

B. Economic Development Element

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located within an existing commercial center, which includes service and retail uses, and other restaurants with outdoor dining. Based upon the operational conditions imposed, the restaurant is not anticipated to result in negative impacts on adjacent properties.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 14-007:**

1. Coastal Development Permit No. 14-007 to permit the expansion of an existing 1,200 sq. ft. restaurant into an adjacent 668 sq. ft. commercial tenant space conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following policies:

Policy – C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Policy – C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.

The proposed use is similar to and compatible with existing uses in the Peter's Landing shopping center. It will be located within the interior of an existing commercial building to serve the residents in the community as well as visitors to the area.

2. The expansion of an existing restaurant is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable land use controls and development standards, including on-site parking 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. The project involves interior tenant improvements on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-008 / COASTAL DEVELOPMENT PERMIT NO. 14-007:**

1. The site plan, floor plans, and elevations received and dated February 27, 2014 shall be the conceptually approved design with the following modification: depict the existing outdoor dining area on the site plan with dimensioned measurements. The outdoor dining area shall not exceed 240 square feet unless the request is approved by the Planning and Building Department.
2. Prior to submitting for building permits, plans revised pursuant to Condition No. 1 shall be submitted for review and approval by Planning staff and inclusion in the file.
3. The use shall comply with the following:
  - a. The hours of operation shall be between 11:00 AM and 10:00 PM Monday through Sunday.
  - b. Consumption of alcohol on the premises shall be limited to the conditions contained in the ABC Type 41 license (On Sale Eating Place – Beer and Wine).
  - c. Prior to sales, service, or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing alcohol use on the outdoor patio. **(PD)**
  - d. All alcoholic beverages shall remain within the interior of the restaurant or the existing outdoor dining area per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant areas. **(PD)**
  - e. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
  - f. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
  - g. Signs shall be posted in a conspicuous space at the entrance/exit points of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
  - h. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, 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)**

- i. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment is not allowed on the patio. **(PD)**
  - j. An employee shall maintain continuous supervision at all times of the patio area when the patio area is being utilized for the sales, service, or consumption of alcoholic beverages. **(PD)**
  - k. The sale of alcoholic beverages in the outdoor dining area shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**
  - l. All outdoor areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
  - m. 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)**
  - n. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas 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 officers conducting investigations. **(PD)**
  - o. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, 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)**
4. Conditional Use Permit No. 14-008 in conjunction with Coastal Development Permit No. 14-007 shall become null and void unless exercised within two years of the date of final approval by the Zoning Administrator, 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 such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning 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 Planning and Building 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.

6. Incorporating sustainable or “green” building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green’s Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

**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 14-013 (HAMBONE’S BBQ GRILL ALCOHOL):**

APPLICANT: Paul Hirezi, 12 Mondano, Laguna Niguel, CA 92677  
PROPERTY OWNER: Business Properties, Brenden Smith, 17631 Fitch, Irvine, CA 92614  
REQUEST: To permit alcohol (beer and wine) sales, service and consumption at an existing 3,020 sq. ft. eating and drinking establishment with a 400 sq. ft. outdoor dining area.  
LOCATION: 10056 Adams Ave., 92648 (Southeast corner at Brookhurst Ave.)  
CITY CONTACT: Joanna Cortez

Joanna Cortez, Associate Planner, displayed project plans and photographs 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 had not received any public comments regarding the proposed project.

Ricky Ramos, Zoning Administrator, verified with staff the location of the proposed outdoor dining area.

**THE PUBLIC HEARING WAS OPENED.**

Paul Hirezi, applicant, stated that he had no comments or concerns with staff’s recommendations.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT 14-013 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 minor alterations to an existing commercial building involving no expansion in the overall floor area of the existing restaurant.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-013:**

1. Conditional Use Permit No. 14-013 to permit onsite sales, service and consumption of alcohol (beer and wine) at an existing approximately 3,020 sq. ft. eating and drinking establishment and a 400 sq. ft. outdoor dining area located within an existing commercial center 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 existing restaurant is located within the interior of a commercial center and more than 500 feet from the nearest residential use. The proposed alcohol sales and service, as conditioned, will not generate noise, traffic, demand for parking or other impacts above that which currently exists or be inconsistent with the subject property's zoning. The restaurant will continue to serve food and beverages in conjunction with the proposed use.
2. The sales, service, and consumption of alcohol at an existing restaurant with outdoor dining will be compatible with surrounding uses because the existing restaurant is surrounded by a majority of commercial uses such as restaurant, office, and retail uses. The operation of the conditional use permit will occur within the interior and outdoor dining area of the business and will be required to comply with conditions of approval pertaining to alcohol service and hours of operation. Additionally, the use is subject to noise regulations to further ensure the compatibility with surrounding properties.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. In addition, the conditional use permit will comply with any specific condition required for the proposed use in the district in which it would be located. The proposed project as conditioned complies with the base district in which it would be located and other applicable provisions. There is no physical expansion that includes additional floor area to the existing building as part of this request and the use will comply with all building occupancy/exiting requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (Commercial General-0.35 FAR) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local

residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

B. Economic Development Element

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed use will help to increase the economic viability of the existing eating and drinking establishment while providing an additional service to local residents and residents in the nearby region. The proposed use, as conditioned, is not anticipated to result in negative impacts on surrounding businesses and adjacent properties.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-013:**

1. The site plan, floor plans, and elevations received April 24, 2014 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. The hours of operation shall be between the hours of 11:00 AM and 11:00 PM Monday through Sunday.
  - b. No dining or consumption of alcoholic beverages shall be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM. **(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. All alcoholic beverages shall remain within the interior of the restaurant or within the confines of the enclosed outdoor dining area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
  - e. Signs shall be posted in a conspicuous space at the entrance/exit points of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
  - f. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
  - g. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
  - h. An employee shall maintain continuous supervision at all times of the outdoor dining area when it is being utilized for the sales, service or consumption of alcoholic beverages. **(PD)**
  - i. The sale of alcoholic beverages in the outdoor dining area shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**

- j. There shall be no entertainment allowed at the establishment without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
  - k. All outdoor areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
  - l. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas 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 officers conducting investigations. **(PD)**
  - m. Prior to sales, service or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing alcohol use in the restaurant and outdoor patio dining area. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License. **(PD)**
  - n. 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. 14-013 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 Planning and Building 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 Planning and Building 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.
  - 5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

**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 1:42 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JUNE 18, 2014, AT 1:30 P. M.**

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Ricky Ramos  
Zoning Administrator

RR:EE:jd