

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

**WEDNESDAY, JULY 15, 2015 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Joanna Cortez, Jill Arabe, Ethan Edwards, Judy Demers

**MINUTES:** **NONE**

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

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 15-007 (DRAKE REMODEL)**

APPLICANT: Peter Kavoian, P.O. Box 5249, Santa Barbara, CA 93150  
PROPERTY OWNER: Kitty Drake, 6572 Cedarwood Dr., Huntington Beach, CA 92648  
REQUEST: To permit an approximately 931 sq. ft. addition to an existing 2,537 sq. ft. two-story single family dwelling. 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.  
LOCATION: 4051 Davenport Drive, 92649 (North side of Davenport Dr., west of Edgewater Ln.)  
CITY CONTACT: Joanna Cortez

Joanna Cortez, 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. Ms. Cortez stated that staff received one call inquiring about the proposed project.

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Peter Kavoian, applicant, stated that he 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 he would approve the request as recommended by staff.

**COASTAL DEVELOPMENT PERMIT NO. 15-007 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 an addition to an existing single-family residence within a residential zone.

### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-007:**

1. Coastal Development Permit No. 15-007 for the 931 sq. ft. addition to an existing two-story single family dwelling conforms to the General Plan, including the Local Coastal Program. The project is consistent with 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 within an existing single family dwelling located within an established residential neighborhood.
2. The project, with modifications, is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, including maximum height, maximum lot coverage, minimum yard setbacks, and required onsite parking.
3. At the time of occupancy the proposed addition can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
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 - COASTAL DEVELOPMENT PERMIT NO. 15-007:**

1. The site plan, floor plans, and elevations received and dated June 2, 2015 shall be the conceptually approved design with the following modifications:
  - a. The kitchen windows shall be relocated to not align with the windows of the neighboring property **(HBZSO 230.22)**.
  - b. The three-car garage shall be redesigned to comply with the required unobstructed minimum parking space dimensions (27 ft. wide by 19 ft. deep) **(HBZSO 231.14)**.
2. Prior to submittal for 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 Planning & Building 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. CDP No. 15-007 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 Division a minimum 30 days prior to the expiration date.
5. The applicant and/or applicant's representative shall be responsible for ensuring that 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 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.
7. 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: COASTAL DEVELOPMENT PERMIT NO. 15-008/ ADMINISTRATIVE PERMIT NO. 15-006 (CYPRUS RESIDENCE)**

APPLICANT:	John Stuetzel, 3130 Airway Ave., Costa Mesa, CA 92626
PROPERTY OWNER:	Brett Cyprus, 3641 Pirate Cir., Huntington Beach, CA 92649
REQUEST:	<b>CDP:</b> To permit the construction of an approximately 6,705 sq. ft. two-story residence with 814 sq. ft. garage. 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

LOCATION:

CITY CONTACT:

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

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

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

### **FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

## **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-008:**

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Administrative Permit. As such, the applicant is seeking approval of an Administrative Permit in conjunction with the Coastal Development Permit.

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 will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
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.

**FINDINGS FOR APPROVAL - ADMINISTRATIVE PERMIT NO. 15-006:**

1. Administrative Permit No. 15-006 for a single family residence with lot coverage of 54.2% does not exceed a 10% deviation from the maximum allowable 50% lot coverage applicable in the RL (Residential Low Density) zoning district.
2. The waiver of development standards to exceed maximum lot coverage improves project design because it maximizes the views of the water through the strategic placement of a second floor balcony without adding bulk to the building that is visible from the adjacent neighbors' homes. The second floor balcony adds approximately 358 sq. ft. of lot coverage that will not impact the neighbors' views of the water. The architectural enhancements of the building also improve the overall project design.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-008/  
ADMINISTRATIVE PERMIT NO. 15-006:**

1. The site plan, floor plans, and elevations received and dated June 22, 2015 shall be the conceptually approved design.
2. Prior to submittal for 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. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 5 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.

4. 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 Planning & Building 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.
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. CDP 15-008/ AP 15-006 shall become null and void unless exercised within two years 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 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.
7. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of 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.
8. 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 3: CONDITIONAL USE PERMIT NO. 15-019 (HB PITA ALCOHOL)**

APPLICANT: Roger Samawi, 10270 Rainbow Cir., Fountain Valley, CA 92708  
PROPERTY OWNER: Town House Plaza, Mark Sork, 13 Corporate Plaza Dr., Suite 214,  
Newport Beach, CA 92660  
REQUEST: To permit the sales, service, and consumption of alcohol (ABC  
Type 41 – on sale beer & wine) within an existing restaurant.  
LOCATION: 19893 Brookhurst Street, 92646 (northwest corner of Brookhurst  
St. and Adams Ave.)  
CITY CONTACT: Ethan Edwards

Ethan Edwards, 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.

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

#### **THE PUBLIC HEARING WAS OPENED.**

Roger Samawi, 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 he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 15-019 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 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. 15-019:**

1. Conditional Use Permit No. 15-019 to permit onsite sales, service and consumption of alcohol (ABC Type 41 – on sale beer & wine) at an existing approximately 2,400 sq. ft. eating and drinking establishment 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 an existing commercial center and more than 150 feet from the nearest residential use. Additionally, the restaurant faces Brookhurst Street and nearest residences are buffered by a drive aisle and the building itself. 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 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 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 and 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. 15-019:**

1. The site plan, floor plans, and elevations received and dated May 22, 2015 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 10:00 PM every day of the week.



- b. Prior to sales, service or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the restaurant. The ABC license shall be limited to a Type 41 License – on sale beer & wine. **(PD)**
- c. All alcoholic beverages shall remain within the interior of the restaurant 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)**
- d. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- e. No “happy hour” or reduced price alcoholic beverage promotion shall be allowed after 7:00 P.M. each day of the week. **(PD)**
- f. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
- g. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(PD)**
- h. 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)**
- i. The sale of alcoholic beverages 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 without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
- k. 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)**
- 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. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- n. Signage, posters, and advertising with “Do Not Drink and Drive” shall be posted in the business. **(PD)**
- o. 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)**
- 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. Mandatory Responsible Beverage Service (RBS) training and certification 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)**

- 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. CUP No. 15-019 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 conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. 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:**

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**THE MEETING WAS ADJOURNED AT 1:10 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, AUGUST 5, 2015, AT 1:30 P. M.**



Ricky Ramos  
Zoning Administrator

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