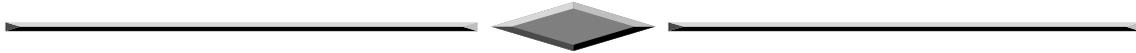


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Hayden Beckman, Planning Aide
DATE: August 7, 2013

SUBJECT: CONDITIONAL USE PERMIT NO. 13-018 (LOCAL BENCH GRILL ALCOHOL)

LOCATION: 300 Pacific Coast Highway, Unit 107B, 92648 (east side of Pacific Coast Highway, south of Main Street)



Applicant: Bulent Gundogar, 300 Pacific Coast Highway, Unit 107B, Huntington Beach, CA 92648

Property Owner: Jay Le Rue, Pierside Pavillion LLC, 300 Pacific Coast Highway, Huntington Beach, CA 92648

Request: To permit alcohol (beer and wine) sales, service, and consumption at an existing 861 sq. ft. eating and drinking establishment.

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

Zone: SP5 – CZ (Downtown Specific Plan – Coastal Zone)

General Plan: M->30 – sp – pd (Mixed Use Vertical – Max. 30/du/ac – Specific Plan Overlay – Pedestrian Overlay)

Existing Use: Restaurant



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED 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 no expansion of the existing restaurant use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-018:

1. Conditional Use Permit No. 13-018 to permit the sales, service, and consumption of alcoholic beverages (beer and wine) within an existing 861 sq. ft. restaurant 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 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 conditional use permit will be compatible with surrounding uses because the subject tenant suite is located within a Specific Plan area designated for mixed-use pedestrian-oriented development. The proposed restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible with adjacent properties. The use is required to comply with conditions of approval pertaining to alcohol service and hours of operation to assure that any potential impacts to the surrounding properties is minimized.
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, 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 and other applicable provisions. There is no physical expansion that includes additional floor area to the existing building as a 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 of M->30-sp-pd (Mixed Use – >30 du/ac – specific plan overlay – pedestrian overlay) 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 7: Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2: Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed project is consistent with the Land Use Density Schedules for the Downtown and increases the economic viability of the establishment by offering the sales and service of alcoholic beverages. The expansion of services captures and enhances visitor and tourist activity within the downtown. The site is located in a mixed-use district of the downtown area and within walking distance of several downtown-parking facility as well as residential uses, thus reducing the need for vehicular travel.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-018:

1. The site plan, floor plans, and elevations received and dated June 6, 2013, shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. Hours of operation shall be limited to between 11:00 AM and 11:00 PM Monday through Thursday and between 11:00AM and 12:00 AM Friday through Sunday.
 - b. 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 no less than one hour prior to the scheduled closing time. A cook and food server shall be on duty during these times. **(PD)**
 - c. 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) **(PD)**
 - d. To reduce the likelihood of alcoholic beverage consumption by minors, all alcoholic beverages shall be served in distinctive vessels, different than those containing non-alcoholic beverages. **(PD)**
 - e. To maintain a clean public image, no items shall be placed in the windows advertising the availability of alcoholic beverages, nor shall any displays or advertisements in the interior be directed to the exterior promoting the availability of alcoholic beverages. **(PD)**
 - f. Alcohol sales are limited to purchases in conjunction with food. Purchases of alcohol only are prohibited. **(PD)**
 - g. Dancing and/or dance floor and/or live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City. **(PD)**
 - h. All areas of the business that are accessible to patrons shall be illuminated to make easily discernable the appearance and conduct of all people in the business. **(PD)**
 - i. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(PD)**

- j. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
 - k. All alcohol shall remain on the establishment's premises. **(PD)**
 - l. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(PD)**
 - m. The establishment shall follow all conditions of the alcohol license issued by the California Department of Alcoholic Beverage Control, as well as all other relevant portions of the Huntington Beach Zoning and Subdivision Ordinance and Huntington Beach Municipal Code. **(PD)**
 - n. No new customers shall be permitted after 30 minutes before closing. **(PD)**
 - o. Signage, posters, and advertizing with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
 - p. 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)**
3. Conditional Use Permit No. 13-018 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. **(HBZSO Section 241.16.A)**
 4. 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.