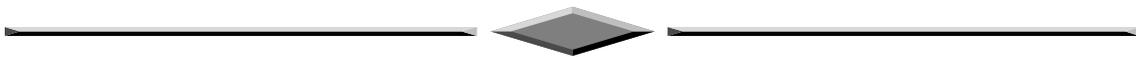


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Kimo Burden, Planning Aide
DATE: October 5, 2016

SUBJECT: CONDITIONAL USE PERMIT NO. 16-027 (RIIP BEER PATIO)

LOCATION: 17214 Pacific Coast Highway, 92649 (north of Warner Ave. and east of Pacific Coast Highway)



Applicant: Ryan Rasmussen, 17214 Pacific Coast Highway, Huntington Beach, CA 92649

Property Owner: Rodney Davis & John Ballinger, 654 West 9th Street Unit 110-207, Los Angeles, CA 90015

Request: To permit the on-site sale, service, and consumption of craft beer (ABC Type 23 License) within a proposed 216 sq. ft. outdoor patio area in conjunction with an existing craft beer supply store.

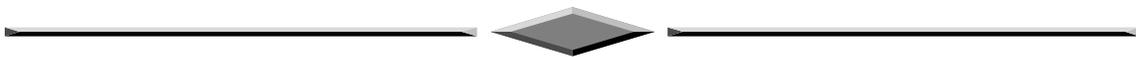
Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Coastal Status: Non- Appealable

Zone: CG-CZ (Commercial General – Coastal Zone)

General Plan: CV-F1 (Commercial Visitor – 0.35 FAR max)

Existing Use: Existing Craft Beer Supply Store



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 involves no expansion in the overall floor area of an existing commercial building.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-027:

1. Conditional Use Permit No. 16-027 to permit the onsite sale, service and consumption of craft beer (ABC Type 23 License) within a proposed 216 sq. ft. outdoor patio area, in conjunction with an approximately 1,135 sq. ft. existing craft beer supply store, 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 use is not anticipated to generate noise, traffic, parking and other impacts detrimental to surrounding properties and is consistent with the subject property's commercial zoning. The site is located within an existing commercial shopping center and is surrounded by similar commercial uses to the east, west, and south. Residential uses to the north of the subject site are buffered from the existing building by a 6 ft. high perimeter block wall and are located approximately 125 ft. away from the rear of the commercial suite. The storefront and entrance are oriented toward Pacific Coast Highway, away from nearby residences. The consumption of alcoholic beverages will be for sampling purposes and will be contained within the 216 sq. ft. delineated outdoor patio area and within the previously approved tasting area inside the commercial suite.
2. Conditional Use Permit No. 16-027 to permit the onsite sale, service and consumption of craft beer (ABC Type 23 License) within a proposed 216 sq. ft. outdoor patio area, in conjunction with an existing craft beer supply store, will be compatible with surrounding uses because the onsite consumption of alcoholic beverages will be ancillary to the existing craft beer store and will occur entirely within the previously approved interior area of the commercial building and within the proposed 216 sq. ft. outdoor patio area.
3. The proposed onsite sale, service and consumption of craft beer (ABC Type 23 License) within a proposed 216 sq. ft. outdoor patio area, in conjunction with an existing craft beer supply store, 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 use in the district in which it is located. The existing craft beer supply store with an indoor tasting area and the proposed 216 sq. ft. outdoor tasting area conforms to applicable site development requirements including minimum on-site parking. Since the proposed 216 sq. ft. outdoor tasting area is not more than 20 percent of the approximately 1,135 sq. ft. indoor area, no additional parking is required on-site. Vehicular and pedestrian access to neighboring businesses will not be obstructed with the installation of the 216 sq. ft. outdoor tasting area and will comply with the minimum ADA requirements of a four foot sidewalk width. The onsite consumption of alcoholic beverages is permitted in the CG (Commercial General) zoning district with the approval of a conditional use permit.
4. The granting of Conditional Use Permit No. 16-027 to permit the onsite sale, service and consumption of craft beer (ABC Type 23 License) within a proposed 216 sq. ft. outdoor patio area, in conjunction with an existing craft beer supply store, will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General (CG) 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, serve visitors to the City, 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 216 sq. ft. outdoor patio area for the onsite sale, service and consumption of craft beer will be ancillary and incidental to the existing craft beer supply store. 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. Based upon the operational conditions imposed, the outdoor patio area is not anticipated to result in negative impacts on adjacent properties.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-027:

1. The site plan, floor plans, and elevations received and dated August 3, 2016 shall be the conceptually approved design.
2. Prior to submittal for building permits, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire 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. All conditions from the previously approved Conditional Use Permit No. 15-009 shall be adhered to.
4. The use shall comply with the following:
 - a. The onsite service and consumption of alcoholic beverages shall be permitted between the hours of 11:00 AM and 10:00 PM on Mondays through Saturdays, and between the hours of 11:00 AM and 8:00 PM on Sundays.
 - b. Based on the way the applicant has chosen to meet parking requirements, Conditional Use Permit No. 16-027 for the proposed 216 sq. ft. outdoor patio area in conjunction with the existing craft beer store with an indoor tasting area located at 17214 Pacific Coast Highway shall operate as a separate business from the adjacent craft beer brewery with indoor and outdoor tasting areas, located at 17216 Pacific Coast Highway. The indoor tasting area shall be limited to a maximum of 12 seats unless additional code required parking is provided.

- c. Prior to the service of alcoholic beverages, a copy of the Alcoholic Beverage Control license, along with any special conditions imposed by the ABC, shall be submitted to the Community Development Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to. The business shall be limited to an ABC Board Type 23 License (Small Beer Manufacturer).
- d. Prior to sales, service or consumption of alcoholic beverages the business shall obtain and be limited to a Type 23 (Small Beer Manufacturer) ABC License. **(PD)**
- e. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
- f. All areas of the store where the sales, service, and consumption of alcoholic beverages occur shall be equipped with lighting with sufficient power to illuminate and permit the identification of patrons. **(PD)**
- g. All owners, employees, representatives, and agents shall 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)**
- h. All persons engaged in the sale or service of alcohol shall complete a 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 an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
- i. There shall be no pitcher service of beer. Serving sizes shall be limited to a maximum size of 16-ounce pints of beer (Beer defined by §23006 of the California Business and Professions Code). **(PD)**
- j. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- k. Only samples manufactured by the business shall be allowed (A defined by §23357 of the California Business and Professions Code). **(PD)**
- l. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- m. Signage, posters, and advertising with “Do Not Drink and Drive” shall be posted in the business. **(PD)**
- n. No loitering shall be permitted within the vicinity of any entrances, exits, and patio railings at any time. **(PD)**

- o. The front patio shall have a physical barrier 42 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
 - p. 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 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. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
 - q. A sign shall be posted in a conspicuous space at the entrance/exit of the restaurant and outdoor patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
 - r. 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)**
 - s. Tasting room and patio may only be open for customers while an employee is designated to work and monitor these areas. **(PD)**
5. Conditional Use Permit No. 16-027 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.
 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.