

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

**TO:** Zoning Administrator  
**FROM:** Tess Nguyen, Associate Planner  
**DATE:** October 14, 2009

**SUBJECT: CONDITIONAL USE PERMIT NO. 2009-016 (SEBASTIANI'S RESTAURANT EXPANSION)**

**LOCATION:** 6074 Warner Avenue, 92647 (southeast corner of Warner Avenue and Springdale Street)

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**Applicant:** Pablo Benavente, 6078 Warner Avenue, Huntington Beach, CA 92647

**Property Owner:** Sparks Enterprises LP, c/o Kenski Properties, Inc., P.O. Box 13049, Long Beach, CA 90803

**Request:** To permit the expansion of an existing 1,050 sq. ft. restaurant with alcohol sales and live entertainment into an adjacent 1,070 sq. ft. suite.

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

**Zone:** CG – FP2 (Commercial General – Flood Plain 2)

**General Plan:** CG – F1 (Commercial General – 0.35 Maximum Floor Area Ratio)

**Existing Use:** Existing retail space

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**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 minor alteration to a commercial suite within an existing shopping center.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-016:**

1. Conditional Use Permit No. 2009-016 for the expansion of an existing 1,050 sq. ft. restaurant with alcohol sales and live entertainment into an adjacent 1,070 sq. ft. suite 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 expansion will consist of a lounge for wine tastings and food service. The live entertainment will be conducted entirely indoors and will consist of live musical performances to be held on Friday and Saturday evenings. The restaurant, which faces Springdale Street, is orientated away and setback approximately 40 ft. from the closest residential properties. The proposed expansion will not generate additional noise, traffic, or other impacts detrimental to surrounding properties. With incorporation of the conditions of approval, the entertainment use is not anticipated to create adverse noise impacts to the surrounding businesses and residences. The live entertainment will be limited to evening business hours (5:00 pm to 10:00 pm). The site provides the necessary parking to accommodate the proposed expansion.
2. The conditional use permit will be compatible with surrounding uses because the project involves the expansion of an existing restaurant into an adjacent suite within a multi-tenant commercial shopping center with similar commercial businesses as retail, personal service, and restaurant uses. Live entertainment within the restaurant will occur indoors approximately 40 ft. away from nearby residences to the east. Residential properties are buffered from the subject building by an existing 20 ft. wide driveway, a 6 ft. high block wall, and a 20 ft. wide alley. The building is orientated toward Springdale Street with the business frontage facing the parking lot area. The limited hours of the live entertainment use (5:00 pm to 10:00 pm) and the building orientation ensure no significant impacts to the residential land uses to the east.
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. The restaurant expansion with live entertainment complies with the minimum required on-site parking and maximum floor area ratio. Live entertainment is permitted within the CG (Commercial General) zoning district with the 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 General on the subject property. In addition, it is consistent with the following objectives 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 residential, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

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 requested Conditional Use Permit will accommodate existing development by allowing the expansion of an existing restaurant with alcohol sales and live entertainment. The proposed restaurant expansion and live entertainment will market its services to local and regional residents thereby expanding the range of service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-016:**

1. The site plan and floor plans received and dated September 15, 2009 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. The hours of operation shall be limited to between 5:00 pm and 10:00 pm, Tuesday through Saturday.
  - b. Food from the regular full menu shall be made available up to one hour prior to the scheduled closing time. **(PD)**
  - c. Any modifications to the approved floor plan shall be reviewed and approved by the Huntington Beach Police Department. **(PD)**
  - d. Prior to commencement of live entertainment activities, a copy of an approved Entertainment Permit shall be submitted to the Planning Department. The permit shall be approved by the Police Department and issued by the Business License Department. All conditions of the Entertainment Permit shall be observed.
  - e. Live entertainment shall be limited to non-amplified music which shall remain within the interior of the establishment at all times. Noise shall not exceed the thresholds as established by the City Noise Ordinance (Chapter 8.40 Noise Control) which shall be measured at a distance of 50 ft. from the business. The hours of live entertainment shall be limited to between 5:00 pm to 10:00 pm daily. **(PD)**
  - f. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
  - g. Alcoholic beverages shall be served in a distinctive container different from non-alcoholic beverages. **(PD)**
  - h. All areas of alcoholic beverage sales, service, and consumption shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
  - i. Only the uses/activities described in the project narrative received September 15, 2009 shall be permitted.

3. Any increases in the seating capacity for the restaurant/lounge area shall require the applicant to demonstrate compliance with the parking requirement for the expansion based on divergent hours in terms daytime versus nighttime hours or weekday versus weekend hours. The joint use parking approval shall be subject to a covenant or similar mechanism approved by the Director of Planning.
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/index.cfm?fuseaction=guidelines>).

**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.