



City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Ethan Edwards, AICP, Associate Planner *EE*
DATE: February 24, 2015
SUBJECT: **CONDITIONAL USE PERMIT NO. 14-032 (U.S. TACO ALCOHOL)**
APPLICANT U.S. Taco Co., LLC, Jeff Zrofsky, 1 Glen Bell Way, Irvine, CA 92618
PROPERTY
OWNER: Lori Eckman, CIM/Huntington, LLC, 6922 Hollywood Boulevard, Suite 900, Los Angeles, CA 90028
LOCATION: 150 5th Street, Suite 110, 92648 (east side of 5th Street, between Pacific Coast Highway and Walnut Avenue - The Strand)

STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 14-032 request:
 - Permit alcohol (beer and wine) at an existing eating and drinking establishment with outdoor dining. The restaurant with outdoor dining (no alcohol request) was originally approved through CUP No. 14-002 on May 13, 2014 by the Planning Commission.
 -
- ◆ Staff Recommendation:

Approve Conditional Use Permit No. 14-032 based upon the following:

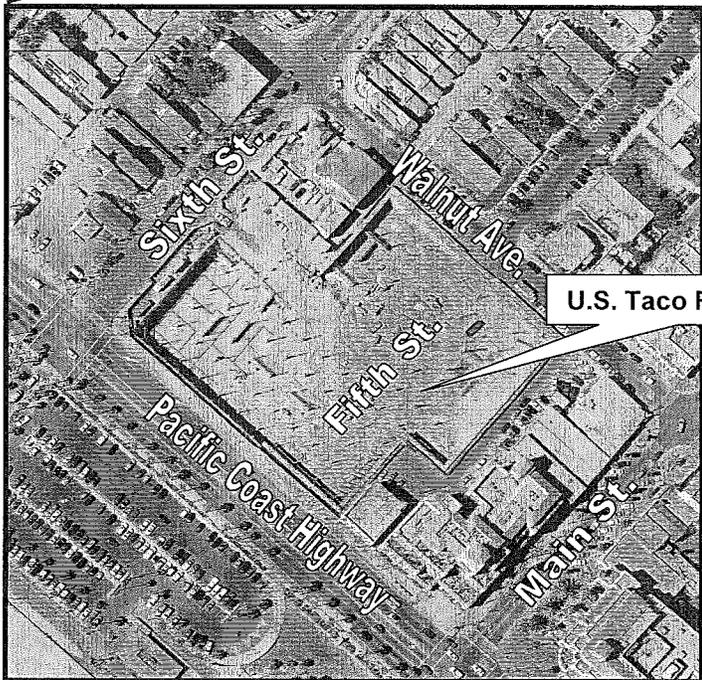
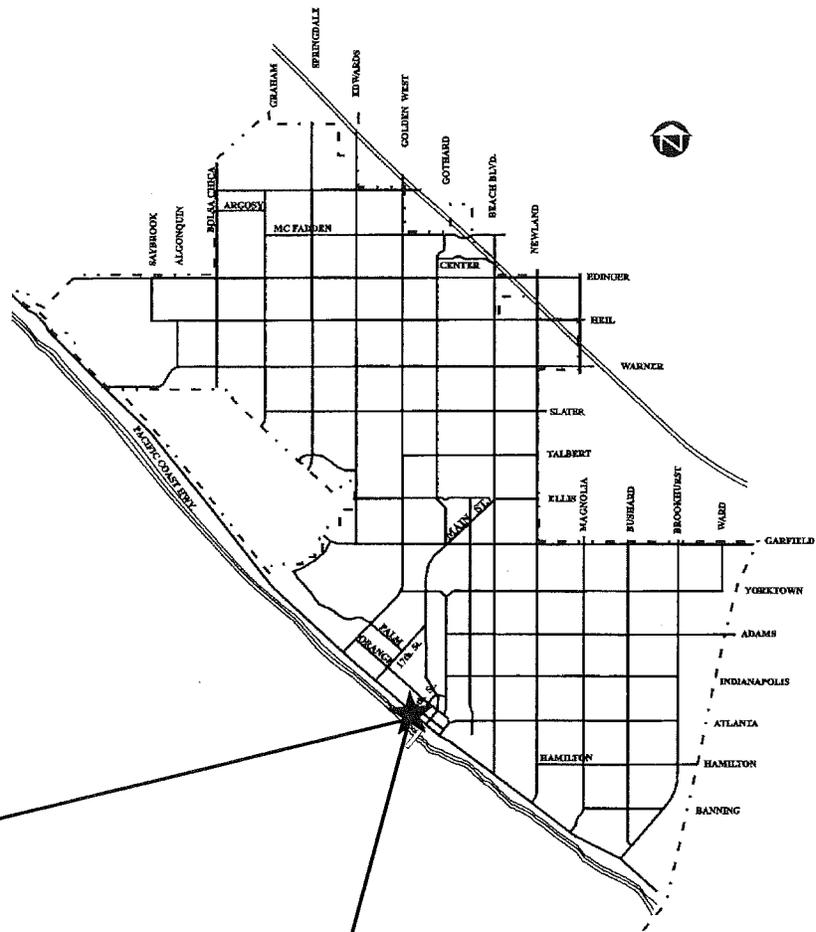
 - The existing restaurant and outdoor dining area with the proposed alcohol sales are consistent with the Mixed-Use General Plan Land Use designation.
 - The existing restaurant and outdoor dining area with proposed alcohol sales, conditioned to close by midnight, will comply with the Downtown Specific Plan and City Council Resolution No. 2013-24.
 - The existing restaurant and outdoor dining with proposed alcohol sales, as conditioned, is in keeping with The Strand development and will not create adverse noise or safety impacts to the surrounding businesses and residents.

RECOMMENDATION:

Motion to:

“Approve Conditional Use Permit No. 14-032 with findings and suggested conditions of approval (Attachment No. 1).”

#B-1



U.S. Taco Restaurant

VICINITY MAP
 CONDITIONAL USE PERMIT NO. 14-032 (U.S. TACO ALCOHOL)
 150 5th Street, Suite 110, 92648

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Deny Conditional Use Permit No. 14-032 with findings for denial."
- B. "Continue Conditional Use Permit No. 14-032 and direct staff accordingly."

PROJECT PROPOSAL:

Conditional Use Permit No. 14-032 represents a request for the following:

To allow the establishment of alcohol sales in conjunction with an existing 1,604 sq. ft. restaurant and 400 sq. ft. outdoor dining area pursuant to Conditional Use Permit No. 99-45 conditions of approval for The Strand development.

The subject site is located within The Strand, a mixed use development consisting of commercial uses and a hotel. The Strand consists of a total of six buildings located on the east and west sides of Fifth Street between Pacific Coast Highway (PCH) and Walnut Avenue. U.S. Taco currently occupies suite 110, a 1,604 sq. ft. ground level space within Building B, located at the east side of Fifth Street, approximately midpoint between PCH and Walnut Avenue. The suite fronts both 5th Street and a pedestrian walkway to the north, which separates Building B and Building A within The Strand. A 400 sq. ft. outdoor dining area is located at the north side facing the pedestrian walkway, adjacent to the commercial suite and underneath an existing arcade.

According to the applicant's narrative, U.S. Taco is a high-end American Taqueria with vibrant colors, loud splashes of color, while maintaining certain tie-ins to the theme of The Strand (Attachment No. 3). The existing approved hours of operation including the outdoor patio are 7:00 A.M. to 12:00 A.M. every day of the week with approximately 5-6 employees during peak time. The proposed hours and number of employees would remain the same. The sale of alcohol is proposed to complement the food by being paired with regional specific craft beer and wine. No hard liquor, spirits, or live entertainment is proposed.

Background:

Restaurant, Outdoor Dining, and Alcohol Uses

The City approved Tentative Tract Map No. 16406, Conditional Use Permit No. 99-45 with Special Permits No. 02-06, and Coastal Development Permit No. 99-16 on October 21, 2002 to construct approximately 106,000 square feet of commercial space, a 152-room hotel consisting of approximately 120,170 square feet, and a 411 space subterranean parking structure. In addition, the City approved Conditional Use Permit No. 07-021 (RA Sushi) on August 14, 2007 to permit a 5,313 sq. ft. restaurant with on-site sale and consumption of alcoholic beverages. On January 27, 2009, the City approved Conditional Use Permit No. 08-047 (Johnny Rockets) to permit a 1,844 sq. ft. restaurant and 193 sq. ft. outdoor dining area with on-site sale and consumption of alcoholic beverages. On February 10, 2009, the City approved Conditional Use Permit No. 08-049 (Zimzala) to permit a 9,696 sf. ft. restaurant and 3,323 sq. ft. outdoor dining with on-site sale and consumption of alcoholic beverages and live entertainment within the Shorebreak Hotel. On November 27, 2012, the City approved Conditional Use Permit No. 12-

021 (Bruxie) to permit a 2,575 sq. ft. restaurant and 385 sq. ft. outdoor dining. On January 23, 2013, the City approved Conditional Use Permit 12-025 (Ritter's) to permit a 1,750 sq. ft. restaurant with on-site sale and consumption of alcoholic beverages. Most recently, on May 13, 2014, the City approved Conditional Use Permit No. 14-002 (U.S. Taco) to permit a 1,604 sq. ft. restaurant and 400 sq. ft. outdoor dining area (Attachment No. 7). Alcohol sales were not part of this request.

The original conditions of approval for The Strand require that restaurant, alcohol sales, outdoor dining, live entertainment, and dancing uses require approval of a Conditional Use Permit by the Planning Commission consistent with the Downtown Specific Plan requirements at the time. Approval of these types of uses was not included in the original conditions of approval for The Strand because many of the specific uses were unknown and staff would need greater specificity to review compatibility and mitigate any potential issues (i.e. hours of operation, alcohol service, noise, etc.) to ensure a successful project.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	MV- >30-d-sp-pd (Mixed Use Vertical – Greater than 30 Units to the Acre -Design Overlay - Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 1/Coastal Zone	Mixed Use Development
North, East, and West of Subject Property:	MV- > 30 – d- sp- pd (Mixed Use Vertical – Greater than 30 units to the Acre -Design Overlay - Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 1/Coastal Zone	Mixed Use Development
South (across PCH) of Subject Property:	OS-S (Open Space – Shore)	Downtown Specific Plan District 7/Coastal Zone	Beach

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is Mixed Use Vertical. The proposed project is consistent with this designation and the policies, goal and objectives of the City's General Plan as follows:

A. Land Use Element

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

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.

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 pedestrian activity along the sidewalks. Create visual differentiation of upper and lower floors and distinct treatment of building entrances and use of pedestrian oriented signage.

The proposed use will complement an existing restaurant within the Downtown Core District that is consistent with the Land Use Density Schedules for The Strand development and is compatible with surrounding mix of uses. The economic viability of the existing restaurant is increased by offering the sales and service of alcoholic beverages to accommodate the entertainment and recreation needs of residents and visitors. The expansion of services captures and enhances visitor and tourist activity within the downtown and is within walking distance of several downtown-parking facilities as well as residential uses, thus reducing the need for vehicular travel.

B. Coastal Element

Policy C 1 Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences.

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed use will promote an existing commercial establishment in the Downtown and will expand the available visitor-serving commercial uses within the Coastal Zone.

Zoning Compliance:

This project is located in the Downtown Specific Plan, District No. 1 (Downtown Core District Mixed-Use) and complies with all of the requirements of that zone. There is no physical expansion of the approved development proposed as part of this request.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

The proposed project is Categorically Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act, which states that minor alterations and operation to existing structures are exempt from further environmental review.

Coastal Status:

The proposed project is within a non-appealable portion of the Coastal Zone. The original entitlement for The Strand including Coastal Development Permit No. 99-16 assumed eating and drinking establishments as part of the project. Therefore, the existing restaurant with outdoor dining and the proposed sale and consumption of alcohol is covered by Coastal Development Permit No. 99-16 approved by the City on October 21, 2002.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Planning & Building, Police, and Office of Business Development have reviewed the application and identified applicable conditions of approval. The Police Department provided suggested conditions of approval consistent with Resolution No. 2013-24 that regulate eating and drinking establishments with alcohol and additional conditions specific to the proposed location, outdoor dining area and operation. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, the Police Department recommends a condition of approval that prohibits dining or consumption of alcoholic beverages within the outdoor patio area between the hours of 10:00 P.M. and 7:00 A.M. (Attachment No. 5). The Office of Business Development provided comments in support of the request because of the applicant’s stated desire to complement food service while remaining committed to the responsible service of alcohol (Attachment No. 6).

The applicant has reviewed the suggested conditions of approval and verbally expressed their understanding and willingness to comply with these conditions if approved.

Public Notification:

Legal notice was published in the Huntington Beach Wave on February 12, 2015, and notices were sent to property owners of record within a 500 ft. radius of the perimeter of The Strand property, individuals/organizations requesting notification (Planning Department’s Notification Matrix), applicant, and interested parties. As of February 17, 2015, staff has received no comments in support or opposition to the request.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

January 21, 2015

MANDATORY PROCESSING DATE(S):

March 21, 2015

Conditional Use Permit No. 14-032 was filed on December 22, 2014 and deemed complete on January 21, 2015. The application is scheduled for public hearing before the Planning Commission on February 24, 2015.

ANALYSIS:

In July 2013, City Council adopted Resolution No. 2013-24 regulating eating and drinking establishments with alcoholic beverage sales and live entertainment (Attachment No. 4). This resolution includes several conditions of approval to minimize potential impacts of alcohol sales and consumption in the downtown. Some of these include:

- Limiting restaurant hours between 7:00 AM to 12:00 AM midnight.
- Minimum of 70% of net floor area shall be devoted to dining area.
- Full food service shall be served until one hour before closing.
- Minimum number of alcoholic drinks, drinking games, and drinks included as part of admission are not permitted.
- Dancing and live entertainment is prohibited unless approved by the City.
- No new customers are permitted 30 minutes before closing and last call is within 15 before closing.
- Mandatory Responsible Beverage Service (RBS) training and certification is required for employees.
- Installation and maintenance of a video surveillance system for monitoring is required.
- Signage, posters, and advertising "Do Not Drink and Drive" shall be utilized.

In accordance with the resolution, the applicant is proposing the sale and consumption of beer and wine to complement the restaurant meals. The proposed hours of operation between 7:00 A.M. to 12:00 A.M. midnight are consistent with the adopted resolution. Additionally, the resolution states that restaurants are to provide a minimum of 70 percent of the net floor area (excluding outdoor dining and back of house areas) as designated dining area. The floor plan demonstrates that the interior lease space is 1,604 sq. ft. and an additional 400 sq. ft. is outdoor dining. The net area that remains after excluding back of house areas is 688 sq. ft. The proposed total square footage of the dining area is 616 sq. ft. (or 90%), which exceeds the minimum 70 percent dining area required by the resolution. The Police Department has reviewed the proposal as well and has suggested additional conditions of approval. Some of the conditions are in addition to the Resolution No. 2013-24 standard conditions to ensure the establishment maintains a restaurant atmosphere, operates in a manner to comply with state and local municipal laws and to restrict the hours for outdoor dining to mitigate potential impacts related to noise. To further reduce the likelihood of noise disturbances, the Police Department suggests a condition of approval that prohibits use of the outdoor dining area between 10:00 P.M. and 7:00 A.M.

Staff has determined that the existing restaurant with outdoor dining and proposed alcohol sales will be compatible with surrounding uses because it is proposed in an area designated for mixed-use pedestrian-oriented development. Additionally, The Strand development contemplated eating and drinking establishments when originally approved. The existing building and subject suite is surrounded by commercial, office, hotel, and restaurant uses and therefore the alcohol use is compatible with its surroundings. The nearest residential use is approximately 310 feet to the north. Potential impacts to residential uses in the vicinity are not anticipated because the outdoor dining area is located underneath an existing arcade within the interior of The Strand development. This area is oriented toward a pedestrian walkway that connects 5th Street to a service alleyway to the east, and then Main Street beyond. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties. With the suggested conditions imposed, U.S. Taco will be required to limit the hours of operation, including the outdoor dining area, provide a full restaurant menu, and limit the type of alcohol

(Type 41 – beer and wine only). With the suggested conditions of approval, the restaurant will not create negative impacts for parking, noise or safety. Therefore, the proposed project, as conditioned, is consistent with the General Plan, Downtown Specific Plan, City Council Resolution No. 2013-24, and the scope and intent of uses for The Strand development. Accordingly, staff recommends approval of the request.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval
2. Site plan, floor plans and elevations received and dated December 22, 2014
3. Project Narrative dated February 11, 2015
4. Resolution No. 2013-24 adopted July 1, 2013
5. Police Department letter dated February 12, 2015 (for informational purposes only)
6. Office of Business Development letter dated January 8, 2015 (for informational purposes only)
7. Notice of Action – CUP 14-002 (U.S. Taco) approved May 13, 2014

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 14-032

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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, Class 1, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-032:

1. Conditional Use Permit No. 14-032 to permit the sales and service of alcohol (beer and wine) in conjunction with an existing 1,604 sq. ft. restaurant and 400 sq. ft. outdoor dining area, located within The Strand development, 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 downtown area. The proposed sales and service of alcohol, 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. In addition, the project will comply with City Council Resolution No. 2013-24, standard conditions for approval designed for eating and drinking establishments with alcoholic beverage sales.
2. The proposed sales and service of alcohol (beer and wine) in conjunction with an existing 1,604 sq. ft. restaurant and 400 sq. ft. outdoor dining area will be compatible with surrounding uses because it is proposed in a Specific Plan area designated for mixed-use pedestrian-oriented development. The restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to alcohol service and hours of operation, including the outdoor dining area, to assure that any potential impacts to the surrounding properties are minimized. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties.
3. The proposed sales and service of alcohol (beer and wine) in conjunction with an existing 1,604 sq. ft. restaurant and 400 sq. ft. outdoor dining area 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 will be located. The proposed project as conditioned complies with the base district and other applicable provisions. There is no physical expansion of the approved development proposed as part of the 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. The project is consistent with the Land Use Element designation of Mixed Use Vertical on the subject property including the following policies and objectives identified in the General Plan:

A. Land Use Element

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

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 sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

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 pedestrian activity along the sidewalks. Create visual differentiation of upper and lower floors and distinct treatment of building entrances and use of pedestrian oriented signage.

The proposed use will complement an existing restaurant within the Downtown Core District that is consistent with the Land Use Density Schedules for The Strand development and is compatible with surrounding mix of uses. The economic viability of the existing restaurant is increased by offering the sales and service of alcoholic beverages to accommodate the entertainment and recreation needs of residents and visitors. The expansion of services captures and enhances visitor and tourist activity within the downtown and is within walking distance of several downtown-parking facilities as well as residential uses, thus reducing the need for vehicular travel.

B. Coastal Element

Policy C 1 Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed use will promote an existing commercial establishment in the Downtown and will expand the available visitor-serving commercial uses within the Coastal Zone.

SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 14-032:

1. The site plan, floor plans and elevations received and dated December 22, 2014 shall be the conceptually approved design.
2. The use shall comply with the following:

- a. Restaurant business hours shall be limited to between 7:00 AM to 12:00 AM midnight **(Resolution No. 2013-24)**
- b. A minimum of 70 percent of the net floor areas of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas. **(Resolution No. 2013-24)**
- c. Full food service menus shall be served, at a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times. **(Resolution No. 2013-24)**
- d. Alcoholic drinks shall not be included in the price of admission to any establishment. **(Resolution No. 2013-24)**
- e. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(Resolution No. 2013-24)**
- f. All alcohol shall remain on the establishment's premises, including within outdoor dining areas. **(Resolution No. 2013-24)**
- g. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(Resolution No. 2013-24)**
- h. All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business. **(Resolution No. 2013-24)**
- i. 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. **(Resolution No. 2013-24)**
- j. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(Resolution No. 2013-24)**
- k. 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. **(Resolution No. 2013-24)**
- l. No new customers shall be permitted after 30 minutes before closing. **(Resolution No. 2013-24)**
- m. Last call for drinks shall be no later than 15 minutes before closing. **(Resolution No. 2013-24)**
- n. Signage, posters, and advertizing with "Do Not Drink and Drive" shall be posted in the business. **(Resolution No. 2013-24)**
- o. 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. **(Resolution No. 2013-24)**

- p. Establishments shall install and maintain a video surveillance system to monitor public area of premises and shall make the video available to the police department for any criminal or civil investigation. **(Resolution No. 2013-24)**
 - q. 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)**
 - r. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
 - s. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**
 - t. 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 area between the hours of 10:00 P.M. and 7:00 A.M. **(PD)**
 - u. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
 - v. Signs shall be posted stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
 - w. 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)**
3. 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
4. Conditional Use Permit No. 14-032 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.
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/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.

ARCHITECTURE
 INTERIOR DESIGN
 LANDSCAPE ARCHITECTURE
 SPACE PLANNING
 MODEL DEVELOPMENT
 2843 South Ave
 San Diego, CA 92108
 619.441.7222
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 619.441.7222



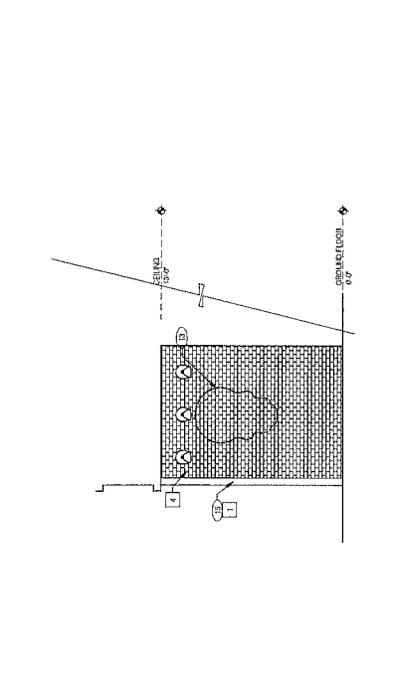
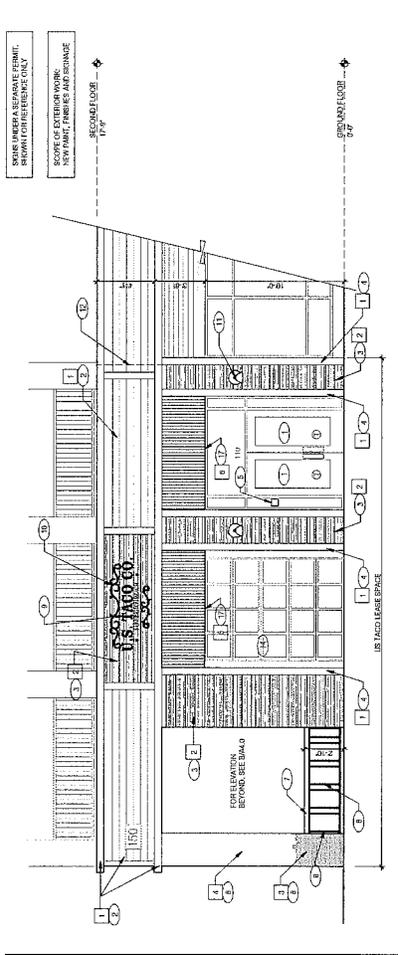
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 CONSULTANTS
 PROJECT NO. 1570-1570-01
 SHEET NO. 1570-1570-01-01
 DATE: 07/15/18

CONTRACT DATE:
 SCOPE:
 CONTRACT NO.:
 SHEET NO.:
 SHEET NUMBER:

US TACO
 108 FIRST
 HAWAIIAN BEACH, CA

TACO CO.
 EXTERIOR ELEVATIONS

A3.0
 PLOT DATE:



EXTERIOR ELEVATIONS 1/4" = 1'-0" **A** **EXTERIOR ELEVATIONS** 1/4" = 1'-0" **B** **EXTERIOR ELEVATIONS** 1/4" = 1'-0" **C**

- 1. EXISTING EXTERIOR PAINT, EXCEPT WHERE SHOWN
- 2. EXISTING WOOD VENEER, PAINT AS SHOWN
- 3. NEW WOOD VENEER
- 4. EXISTING STUCCO TRIM
- 5. INTERNATIONAL SYMBOL OF ACCESSIBILITY
- 6. W/RIGHT IRON COUNTERTOP BASE, SEE DETAIL
- 7. RECLAIMED WOOD COUNTERTOP, BY VENDOR
- 8. W/SHED-CUT PAINT OVER EXISTING STUCCO
- 9. ILLUMINATED SIGN BY VENDOR
- 10. PAINTED GRAPHS OVER WOOD VENEER
- 11. NEW LIGHT FIXTURE, CRITERIA 7-10P A.F.F.
- 12. LIMIT OF LEASE AREA, NO WORK BEYOND THIS POINT.
- 13. PAINTED GRAPHS BY VENDOR
- 14. EXISTING ROLL UP GARAGE DOOR TO REMAIN
- 15. NEW 4" x 2" STUCCO TRIM
- 16. EXISTING SPANDREL GLASS, PROVIDE NEW GRAPHICS
- 17. NEW CORRUGATED METAL FINISH BY VENDOR
- 18. EXISTING DECORATIVE GRILLE, DO NOT PAINT
- 19. SCREENED WOOD PLANKS, OVER 4" CONCRETE CORE
- 20. NEW WALL SCISSOR

SYMBOL	DESCRIPTION	MANUFACTURER	COLOR
1	WHITE PAINT	SHERWIN WILLIAMS	SW 700 CELAR WHITE
2	COLLARS	WOOD VENEER	WOOD VENEER
3	W/SHED-CUT BLUE PAINT	SHERWIN WILLIAMS	SW 700 BLUE WOODS
4	W/SHED-CUT WHITE PAINT	SHERWIN WILLIAMS	SW 700 REFLECTION
5	WHITE BRICK VENEER	SELDEN BRICK	WHITE BRICK POLAR WHITE CLEAR THIN BRICK CHIM
6	PINK PAINT	SHERWIN WILLIAMS	SW 440 EXHIBENT PINK
7	TEAL PAINT	SHERWIN WILLIAMS	SW 947 TERNO TEAL

EXTERIOR ELEVATIONS 1/4" = 1'-0" **D** **FINISH SCHEDULE** **E**

RECEIVED
FEB 11 2015
Dept. of Planning & Building



U.S. Taco Co.

December 14, 2014

Mr. Ethan Edwards
City of Huntington Beach
Planning Department
2000 Main Street
Huntington Beach, CA 92648

Re: US Taco Co
150 5th Street, Huntington Beach, CA

Dear Ethan:

Enclosed is an application for Conditional Use Permit to establish beer and wine sales (Type 41 ABC License) for the existing US Taco Restaurant located within The Strand development at the above mentioned address.

US Taco Co was approved by the Planning Commission in May of 2014 and includes a 1,604 sq. ft. restaurant with 22 seats and a 400 sq. ft. outdoor dining area.

US Taco is a high-end "American Taqueria" with vibrant colors and loud splashes of color, while maintaining certain tie-ins to the theme of The Strand. The hours of operation will be from 7:00 AM until 12:00 AM (midnight), and we expect to have 5 to 6 employees during peak hours.

US Taco was developed and is operated by a collective group of restaurant professionals with over 60 years' experience opening and operating successful restaurants throughout Southern California. Our team has the passion, knowledge and experience to have a truly impactful presence in the Downtown Huntington Beach community, and we are excited about integrating this concept with the successful eateries currently present at The Strand.

Our goal is to stay true to our concept: The best of America in a taco paired with regional specific craft beer and wine. We hope to introduce exciting and innovative culinary ideas by gaining the trust of our customer's through excellent service and high quality ingredients. While the names may be of the familiar, the preparation and presentation is where we will impress our clientele.

Narrative 12/2/2014

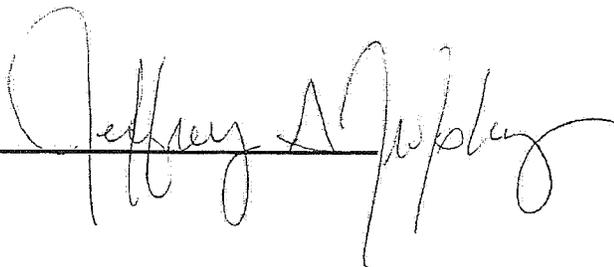
ATTACHMENT NO. 3.1

First and foremost, we hope to engage the locals, we choose this city for its cultural heritage and charm, as well as its street scape, open space and sense of neighborhood and community. Our goal is to also be a destination "must try" restaurant.

Our commitment to the community starts with the responsible service of beer and wine. Our primary focus is and will remain providing the best of America in a taco. That said we are looking to pair those products with selection of regional craft beer and wine that complement our food. Our team members and leaders at all levels will be taking alcohol education training prior to any sale of beer or wine from our location. We have a single transaction point of sale (no table service) that will allow us even greater control over the sale of alcohol. Our concept does not include a bar or live entertainment including dancing. We are aware of the recent events that have raised concern amongst the community regarding alcohol sales in the area. US Taco will remain focused on maintaining the progress made by the city of responsible service of alcohol.

We look forward to continuing the budding relationships with the community that have already begun and are excited to be a part of The Huntington Beach community.

Sincerely,

X 

Jeff Zrofsky
Sr. Operations Partner
Immerging Brands Division
Taco Bell
303-324-4216

RESOLUTION NO. 2013-24

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH ESTABLISHING CONDITIONS OF
APPROVAL FOR EATING AND DRINKING ESTABLISHMENTS WITH
ALCOHOLIC BEVERAGE SALES AND LIVE ENTERTAINMENT

WHEREAS, the City of Huntington Beach desires to maintain a vibrant and safe downtown commercial area to be enjoyed by visitors, residents and families; and

Toward that end, the City Council has established standardized Conditions of Approval for Conditional Use Permits in the Downtown Specific Plan District 1 area with alcoholic beverage sales and/or an entertainment permit,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. That the Conditions of Approval set forth in Exhibit A attached hereto and incorporated by this reference shall apply to all eating and drinking establishments located in the designated area with alcoholic beverage sales.
2. That the Conditions of Approval set forth in Exhibit B attached hereto and incorporated by this reference shall apply to all eating and drinking establishments located in the designated area with alcoholic beverage sales and live entertainment.
3. These proposed conditions shall apply to conditional use permit applications applied for subsequent to adoption of this Resolution for new uses and amendments to existing conditional permit use applications and shall remain in effect as part of the Conditional Use Permit via a public hearing. Any amendments to these conditions must be approved by the City Council.

4. Resolution No. 2011-16 is hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 1st day of July, 2013.

Connie Boardman
Mayor

REVIEWED AND APPROVED:

[Signature]
City Manager

INITIATED AND APPROVED:

[Signature]
Director of Planning and Building

APPROVED AS TO FORM:

[Signature]
City Attorney

EXHIBIT A

EATING AND DRINKING ESTABLISHMENTS WITH ALCOHOLIC BEVERAGE SALES:

The following standard Conditions of Approval shall be part of any Conditional Use Permit from the Zoning Administrator or Planning Commission for the establishment of any eating and drinking establishment with alcohol beverage sales located within the Downtown Specific Plan area, District 1:

- 1) Hours of operation shall be limited to between 7:00 a.m. to 12:00 a.m. midnight except for a business proposed in the following locations:
 - a. West side of 5th Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. to 10:00 p.m.
 - b. East side of 3rd Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m.
- 2) A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas.
- 3) Full food service menus shall be served, at a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times.
- 4) Alcoholic drinks shall not be included in the price of admission to any establishment.
- 5) There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
- 6) All alcohol shall remain on the establishment's premises, including within outdoor dining areas.
- 7) An employee of the establishment must be present at all times in areas within the establishment where alcohol is served.
- 8) All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business.
- 9) 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.
- 10) Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
- 11) 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.

- 12) No new customers shall be permitted after 30 minutes before closing.
- 13) Last call for drinks shall be no later than 15 minutes before closing.
- 14) Only single-sized drinks and no multiple drinks shall be served after midnight.
- 15) Signage, posters, and advertizing with "Do Not Drink and Drive" shall be posted in the business.
- 16) 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.
- 17) Establishments shall install and maintain a video surveillance system to monitor public area of premises and shall make the video available to the police department for any criminal or civil investigation.

EXHIBIT B

EATING AND DRINKING ESTABLISHMENTS WITH
ALCOHOLIC BEVERAGE SALES AND LIVE ENTERTAINMENT:

The following standard Conditions of Approval shall be part of any Conditional Use Permit from the Zoning Administrator or Planning Commission and the Entertainment Permit from the Police Department for the establishment of any eating and drinking establishment located within the Downtown Specific Plan area with alcohol beverage sales and entertainment, District 1:

- 1) Hours of operation shall be limited to between 7:00 a.m. to 12:00 a.m. midnight except for a business proposed in the following locations:
 - a. West side of 5th Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. to 10:00 p.m.
 - b. East side of 3rd Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m.
- 2) A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas.
- 3) The seating capacity at all times within the dining area, excluding outdoor dining areas, shall be able to accommodate a minimum of 100 people.
- 4) Full food service menu items shall be served, a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times.
- 5) Alcoholic drinks shall not be included in the price of admission to any establishment.
- 6) There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
- 7) All alcohol shall remain on the establishment's premises, including within outdoor dining areas.
- 8) An employee of the establishment must be present at all times in areas within the establishment where alcohol is served.
- 9) If dancing is allowed, the activity must be specifically identified as part of the Entertainment Permit and only in a pre-approved designated area.
- 10) Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
- 11) No outside promoters can be used under any circumstances.
- 12) All exterior doors and windows shall be closed at all times during live entertainment.

- 13) All amplified entertainment conducted by a performer shall be confined indoors at all times.
- 14) If outdoor entertainment is allowed, it shall be limited to:
 - a) Non-amplified entertainment with no more than two performers.
 - b) Amplified entertainment limited to ambient music only.
- 15) Any outdoor entertainment shall not be audible beyond 50 feet of the source of the entertainment.
- 16) No entertainment shall be audible beyond 50 feet of the business in any direction.
- 17) All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business.
- 18) All provisions of the entertainment permit required by section 5.44 of the Huntington Beach Municipal Code shall continue to apply.
- 19) No new customers shall be permitted after 30 minutes before closing.
- 20) Last call for drinks shall be no later than 15 minutes before closing.
- 21) Only single-sized drinks and no multiple drinks shall be served after midnight.
- 22) Signage, posters, and advertizing with "Do Not Drink and Drive" shall be posted in the business.
- 23) 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.
- 24) Establishments shall install and maintain a video surveillance system to monitor public area of premises and shall make the video available to the police department for any criminal or civil investigation.

REST OF PAGE NOT USED

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **Regular** meeting thereof held on **July 1, 2013** by the following vote:

AYES: Sullivan, Hardy, Boardman, Carchio, Shaw, Katapodis
NOES: Harper
ABSENT: None
ABSTAIN: None



City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: FEBRUARY 12, 2015

PROJECT NAME: U.S. TACO RESTAURANT

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 14-188

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 14-032

DATE OF PLANS: DECEMBER 22, 2014

PROJECT LOCATION: 150 5TH STREET, SUITE 110 (THE STRAND)

PLAN REVIEWER: JAKE FITZGERALD

TELEPHONE/E-MAIL: (714) 536-5986, JFITZGERALD@HBPD.ORG

PROJECT DESCRIPTION: TO PERMIT ALCOHOL (BEER AND WINE) AT AN EXISTING EATING AND DRINKING ESTABLISHMENT WITH OUTDOOR DINING (U.S. TACO CO.). THE RESTAURANT WITH OUTDOOR DINING (NO ALCOHOL REQUEST) WAS ORIGINALLY APPROVED THROUGH CUP NO. 14-002 ON MAY 13, 2014 BY THE PLANNING COMMISSION.

RECEIVED
FEB 12 2015
Dept. of Planning & Building

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

The following conditions are required by City Resolution No. 2013-24:

1. Hours of operation shall be limited to between 7:00 a.m. to 12:00 a.m. midnight.
2. A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of the house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas.
3. Full food service menus shall be served, at a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times.
4. Alcoholic drinks shall not be included in the price of admission.
5. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.

6. All alcohol shall remain on the establishment's premises, including within outdoor dining areas.
7. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served.
8. All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business.
9. 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.
10. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
11. 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.
12. No new customers shall be permitted after 30 minutes before closing.
13. Last call for drinks shall be no later than 15 minutes before closing.
14. Signage, posters, and advertizing with "Do Not Drink and Drive" shall be posted in the business.
15. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees ever 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review.
16. The establishment shall install and maintain a video surveillance system to monitor public area of premises and shall make the video available to the police department for any criminal or civil investigation.

The following conditions are imposed on similar types of establishments in the city and are suggested by the Police Department:

1. 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
2. Service of alcoholic beverages for consumption off-site shall not be permitted.
3. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.
4. No loitering shall be permitted within the vicinity of any entrances and exits at any time.
5. Signs shall be posted stating alcoholic beverages are not allowed outside of the restaurant.
6. 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".
7. To further reduce the likelihood of noise disturbances from patrons during late night hours, no dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 p.m. and 12:00 a.m. midnight.



HUNTINGTON BEACH
OFFICE OF BUSINESS DEVELOPMENT
PROJECT IMPLEMENTATION CODE REQUIREMENTS

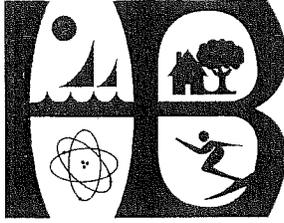
RECEIVED
JAN 08 2015
Dept. of Planning & Building

DATE: JANUARY 8, 2015
PROJECT NAME: U.S. TACO RESTAURANT
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 14-188
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 14-032
DATE OF PLANS: DECEMBER 22, 2014
PROJECT LOCATION: 150 5TH STREET, SUITE 110 (THE STRAND)
PLAN REVIEWER: SIMONE SLIFMAN
TELEPHONE/E-MAIL: (714) 375-5186 SIMONE.SLIFMAN@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT ALCOHOL (BEER AND WINE) AT AN EXISTING EATING AND DRINKING ESTABLISHMENT WITH OUTDOOR DINING (U.S. TACO CO.). THE RESTAURANT WITH OUTDOOR DINING (NO ALCOHOL REQUEST) WAS ORIGINALLY APPROVED THROUGH CUP NO. 14-002 ON MAY 13, 2014 BY THE PLANNING COMMISSION.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

The Office of Business Development has reviewed the plans and narrative submitted by US Taco related to the CUP to serve alcohol and is supportive of the proposal.

In the short time it has been open, US Taco has demonstrated its commitment to excellence in its food, atmosphere and customer service, and represents one of the diverse types of restaurants that make our Downtown successful. Adding the ability to provide specialty beer and wine will allow it to continue to serve its loyal clientele and attract new ones. A business of this type needs to have a diverse and unique food and beverage menu; failure to provide beer and wine to its customers would make it difficult for this business to be successful in Huntington Beach, and in the Downtown. US Taco has stated its commitment to the responsible service of alcohol and the standards to which the City wishes to uphold for all businesses serving alcohol in the Downtown and those who wish to locate here in the future and we remain supportive of their proposal.



Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

NOTICE OF ACTION

May 14, 2014

Gabriela Marks
Marks Architects
2643 4th Avenue
San Diego, CA 92103

SUBJECT: **CONDITIONAL USE PERMIT NO. 14-002 (U.S. TACO RESTAURANT)**

APPLICANT: Gabriela Marks, Marks Architects, 2643 4th Avenue, San Diego, CA 92103

PROPERTY OWNER: Shatha Odish, CIM Group, 6801 Hollywood Boulevard, Suite 170, Los Angeles, CA 90028

REQUEST: To permit the establishment of an approximately 1,603 sq. ft. restaurant with 400 sq. ft. of outdoor dining area.

LOCATION: 150 5th Street, Suite 110, 92648 (east side of 5th Street, between Pacific Coast Highway and Walnut Avenue - The Strand)

DATE OF ACTION: May 13, 2014

On Tuesday, May 13, 2014, the Huntington Beach Planning Commission took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand, Seven Hundred Sixty-Three Dollars (\$1,763.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Three Thousand, Three Eighty-Three Dollars (\$3,383.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is **May 23, 2014, at 5:00 PM.**

Please be advised that the Planning Commission reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and

Notice of Action: CUP 14-002
May 13, 2014
Page 2

Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, or at an alternative time specified as a condition of approval, unless actual construction has started.

"Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020."

If you have any questions, please contact Ethan Edwards, the project planner, at ethan.edwards@surfcity-hb.org or (714) 536-5561 or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,

Scott Hess, AICP, Secretary
Planning Commission

By:



Jane James, Planning Manager

SH:JJ:EE:jd

Attachment: Finding and Conditions of Approval – CUP No. 14-002

c: Honorable Mayor and City Council
Chair and Planning Commission
Fred A. Wilson, City Manager
Scott Hess, Director of Planning and Building
Bill Reardon, Division Chief/Fire Marshal
Paul D'Alessandro, Assistant City Attorney
Debbie DeBow, Principal Civil Engineer
Mark Carnahan, Building Manager
Ethan Edwards, Associate Planner
Shatha Odish
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 14-002

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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, Class 1, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-002:

1. Conditional Use Permit No. 14-002 for the establishment, maintenance, and operation of a 1,604 sq. ft. restaurant and 400 sq. ft. outdoor dining area located within The Strand development. The proposed hours of 7:00 AM to 12:00 AM every day is in keeping with surrounding restaurants in District 1 of the Downtown Specific Plan and therefore will not negatively impact the area. As conditioned, project related construction and tenant improvements will not interfere with scheduled City events. The proposed use will not create adverse noise or safety impacts to the surrounding businesses and residents based on the hours of operation and that no alcohol sales or live entertainment is proposed.
2. The proposed restaurant and outdoor dining will be compatible with surrounding uses because The Strand Development was approved with 40,000 square feet of restaurant uses and outdoor dining. The existing 1,604 sq. ft. vacant lease space was formerly occupied by Sertino's Coffee. U.S. Taco will occupy the lease space and utilize an adjacent arcade facing north by providing an outdoor dining area underneath, consistent with the original approval to provide restaurants with outdoor dining. The outdoor dining will not encroach into any required pedestrian paths nor impact any public open space areas. The proposed use is consistent with the mixed use development of The Strand and of the commercial uses of the Downtown.
3. The proposed restaurant and outdoor dining 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 uses in the district in which they will be located. The proposed project complies with the base district and other applicable provisions including parking. There is no physical expansion of the approved development proposed as part of the request and the uses will comply with all building occupancy/exiting requirements. In addition, the project will comply with the public open space requirements as specified in the Downtown Specific Plan.
4. The granting of the conditional use permit will not adversely affect the General Plan. They are consistent with the Land Use Element designation of Mixed Use Vertical on the subject property including the following policies and objectives identified in the General Plan:

A. Land Use Element

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

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 sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

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 pedestrian activity along the sidewalks. Create visual differentiation of upper and lower floors and distinct treatment of building entrances and use of pedestrian oriented signage.

The proposed use will establish a new restaurant within the Downtown Core District that is consistent with the Land Use Density Schedules for The Strand development and is compatible with surrounding mixed-use development. The outdoor dining area will assist in the activation of 5th Street and further the pedestrian experience in the Downtown.

B. Coastal Element

Policy C 1 Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed use will promote the visitor-serving commercial viability of The Strand and will occupy vacant lease space as a restaurant use with outdoor dining.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 14-002:

1. The site plan, floor plans and elevations received and dated March 26, 2014 shall be the conceptually approved design.
2. Construction/tenant improvements shall not interfere with scheduled City events. Applicant shall contact the Community Services Department and coordinate the construction schedule prior to issuance of a building permit. **(CS)**
3. 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

4. Conditional Use Permit No. 13-001 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.
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/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.