



City of Huntington Beach Planning and Building Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Hayden Beckman, Planning Aide *HB*
DATE: September 24, 2013

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

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

PROPERTY

OWNER: Jay Le Rue, Pierside Pavilion LLC, 300 Pacific Coast Highway, Huntington Beach, CA 92648

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

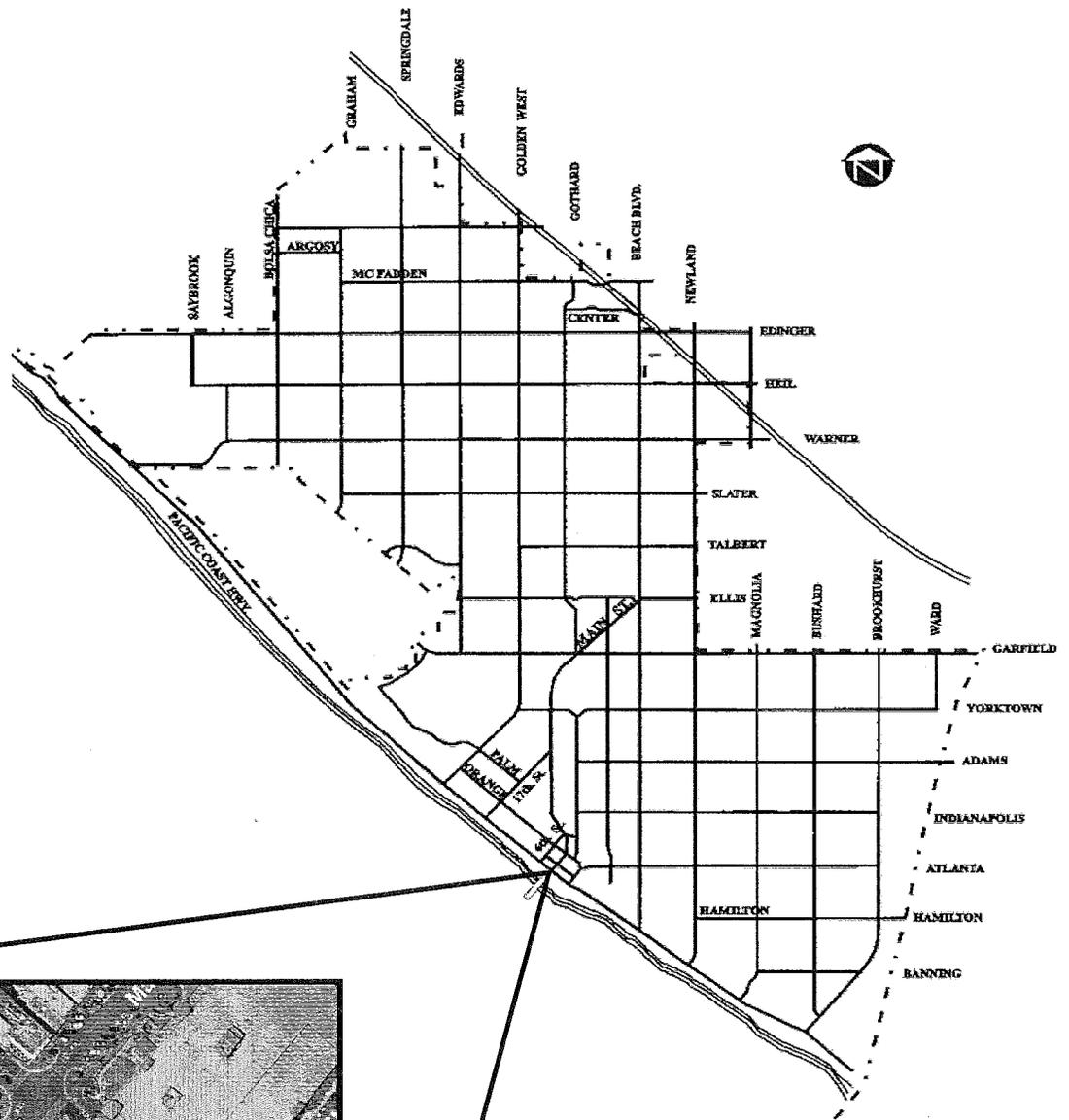
STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 13-018 request:
 - To permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within an existing approximately 1,200 sq. ft. eating and drinking establishment.
- ◆ Staff's Recommendation:
 - Approve Conditional Use Permit No. 13-018 based upon the following:
 - Compliance with the General Plan designation of Mixed Use.
 - Consistent with the visitor-serving category of the Downtown Specific Plan to approve and support commercial activities that serve the needs of the surrounding community.
 - Proposed hours of operation are in compliance with the applicable City Council Resolution No. 2011-16 for eating and drinking establishments with alcohol sales.
 - The request will not create adverse impacts to the surrounding businesses and residents.

RECOMMENDATION:

Motion to:

“Approve Conditional Use Permit No. 13-018 with suggested findings and conditions of approval (Attachment No. 1).”



VICINITY MAP
CONDITIONAL USE PERMIT NO. 2013-018
(LOCAL BENCH GRILL ALCOHOL APPEAL)

The Planning Commission may take alternative actions such as:

- A. "Deny Conditional Use Permit No. 13-018 with findings for denial."
- B. "Continue Conditional Use Permit No. 13-018 and direct staff accordingly."

PROJECT PROPOSAL:

Conditional Use Permit No. 2013-018 represents a request to permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within an existing 1,276 sq. ft. eating and drinking establishment pursuant to the Permitted Uses District 1 table (Figure 3-23) of Section 3.3.1.4 of the Downtown Specific Plan (SP5).

The project site consists of approximately 1.7 acres located on the north side of Pacific Coast Highway and west of Main Street known as the Pierside Pavilion shopping center. The subject restaurant is located on the ground floor of a two-story section of an existing commercial building at the southwest corner of the site fronting Pacific Coast Highway.

The sales, service, and consumption of alcohol is proposed to occur within the interior of the restaurant only. Although an outdoor dining area is available, the applicant does not propose to serve alcohol outdoors. The proposed hours of operation are as follows:

Days	Hours of Operation
Monday through Thursday	9:00 AM to 11:00 PM
Friday through Sunday	9:00 AM to 12:00AM (midnight)

Zoning Administrator Action:

The Zoning Administrator took action and approved the project on August 7, 2013. On August 6, 2013, a member of the public submitted a written letter in opposition to the proposed project. The comment letter cited the downtown neighborhood's crime rate and concentration of Alcohol Beverage Control (ABC) licenses. The Zoning Administrator determined that the request was consistent with the applicable Resolution 2011-16 regulating eating and drinking establishments with alcohol sales, and based on staff's suggested findings and conditions of approval, approved CUP No. 2013-018.

Appeal:

This item represents an appeal filed on August 16, 2013, by Planning Commissioner Dan Kalmick (Attachment No. 4) of the Zoning Administrator's approval of CUP No. 13-018. The appeal identifies three primary issues for Planning Commission consideration, citing possible detrimental impacts to the general welfare of the neighborhood, noncompliance with Resolution No. 2013-24, and additional conditions that may be necessary for a restaurant proposing alcohol sales and hours of operation until midnight.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property, North, East and South of Subject Property	M - >30 – sp – pd (Mixed Use - >30 du/ac – specific plan overlay – pedestrian overlay)	SP-5 – CZ – District #1 (Downtown Specific Plan – Downtown Core Mixed Use)	Commercial retail/ mixed use, Pier Colony residential
West of Subject Property	CV – d (Commercial Visitor – Design Overlay; OS-S (Open Space – Shore)	SP-5 – CZ – District #1	Beach, parking lot

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is M - >30 – sp – pd (Mixed Use - >30 du/ac – specific plan overlay – pedestrian overlay). The proposed project is consistent with this designation and the policies and objectives of the City’s General Plan as follows:

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 facilities as well as residential uses, thus reducing the need for vehicular travel.

Zoning Compliance:

The proposed project is located within District 1 of the Downtown Specific Plan (DTSP) and the request complies with the requirements of that designation. The request to add alcohol consumption requires review and approval of a conditional use permit by the Zoning Administrator. The project will not increase existing building area and therefore does not require additional parking spaces because the intensity of the use remains the same. The previous use at this location was also a restaurant and to include alcohol sales, service, and consumption does not constitute an increase in required parking spaces.

Environmental Status:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves the operation and permitting of the existing development involving negligible expansion of an existing use.

Coastal Status:

The proposed project is located within the non-appealable portion of the Coastal Zone. A Coastal Development Permit is not required for the establishment of alcohol sales, service, and consumption within an existing restaurant, since this request does not constitute an increase in building size or required parking spaces. Therefore, the intensity of the use remains the same.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Planning and Building, and Police have reviewed the application and identified applicable code requirements which have been provided to the applicant and are attached for information purposes only (Attachment No. 8). The Police Department's comments have been included in addition to the required conditions of City Council Resolution No. 2011-16 to mitigate potential impacts related to the request. The applicant has reviewed the suggested conditions of approval and verbally expressed his understanding and willingness to comply with these conditions if approved.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on September 12, 2013, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Division's Notification Matrix), applicant, and interested parties. On September 16, 2013, one written public comment letter in opposition to the proposed project was received (Attachment No. 9).

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

July 15, 2013

MANDATORY PROCESSING DATE(S):

September 13, 2013

CUP No. 13-018 was filed on June 6, 2013, and deemed complete on July 15, 2013. The Zoning Administrator took action on August 7, 2013, in compliance with the mandatory processing deadlines. The appeal was filed on August 16, 2013, and scheduled for public hearing on September 24, 2013.

ANALYSIS:

In 2011, City Council adopted Resolution No. 2011-16 regulating eating and drinking establishments with alcoholic beverage sales and live entertainment. Subsequently, on July 15, 2013, the City Council approved Resolution 2013-24, which updated minimum requirements for eating and drinking establishments with alcohol beverage sales located within District 1 of the Downtown Specific Plan. Resolution 2013-24 is applicable to conditional use permit applications for new alcohol uses and amendments to existing alcohol conditional use permit applications filed on or after the effective date of the resolution. In this case, the subject request was filed with the Planning and Building Department on June 6, 2013, prior to adoption of the new resolution. Therefore, the previous Resolution No. 2011-16 is applicable to the subject request. Both resolutions have been attached to this staff report for reference (Attachments Nos. 5 and 6).

The proposed hours of operation are consistent with the applicable 2011 resolution of 7:00 A.M. to 12:00 A.M. midnight. In accordance with the applicable resolution, the applicant is proposing the sale and consumption of beer and wine to complement the restaurant meals and would not be permitted to serve alcohol without food. Prior to the public hearing before the Zoning Administrator, the Police Department evaluated the request to determine if any of the new 2013 Resolution requirements should be applicable to the proposed project. The Police Department recommended and the Zoning Administrator imposed several conditions beyond those required by Resolution No. 2011-16, including a requirement for alcoholic beverages to be served in distinctive vessels separate from those containing non-alcoholic beverages and limitations upon the placement of advertisements regarding the availability of alcoholic beverages. The proposed conditions of approval for the project ensure that the restaurant maintains a restaurant atmosphere, operates in a manner to comply with state and local municipal laws, and prohibits live entertainment and dancing to minimize impacts to adjacent residential uses.

Staff has determined that the proposed restaurant with alcohol sales will be compatible with surrounding uses because Pierside Pavilion and the Downtown area are designated for mixed use pedestrian oriented development. The applicant is not proposing live entertainment in conjunction with the restaurant use, and the nearest residences are located approximately 120 linear feet to the southeast, separated by a large pedestrian plaza. Alcohol is not proposed nor will it be permitted on the outdoor patio. The subject restaurant will be required to comply with the imposed conditions of approval restricting how the restaurant operates with regards to alcohol sales including limits on the hours of operation and provision of a full restaurant menu. With the 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, the Downtown Specific Plan, Council Resolution No. 2011-16, and staff recommends approval of the use.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CUP No. 2013-018
2. Site Plan and Floor Plan dated June 6, 2013
3. Project Narrative received and dated June 6, 2013
4. Appeal Letter received and dated August 16, 2013
5. Resolution No. 2011-16 adopted March 7, 2011
6. Resolution No. 2013-24 adopted July 1, 2013
7. Conditional Use Permit No. 2013-018 Notice of Action dated August 7, 2013
8. Departments of Planning & Building, and Police Code Requirements (reference only)
9. Comment Letter in Opposition, received and dated September 16, 2013

SH:JJ:HB:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 13-018

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—*Existing Facilities*, because the project involves the operation and permitting of the existing development involving negligible expansion of an existing 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 1,276 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 and any specific condition required for the proposed use in the district in which it would be located. The proposed project as conditioned complies with the base district and other applicable provisions. There is no physical expansion that includes additional floor are 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 and floor plan 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 9:00 AM and 11:00 PM Monday through Thursday and between 9:00 AM and 12:00 AM Friday through Sunday.
 - b. Outdoor dining shall be limited to a maximum of 20% of the restaurant area per Downtown Specific Plan Section 3.2.24.4, unless otherwise permitted.
 - c. Alcohol service or consumption within any outdoor dining area shall be prohibited unless approval is obtained from the City.
 - d. 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)**
 - e. 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)**

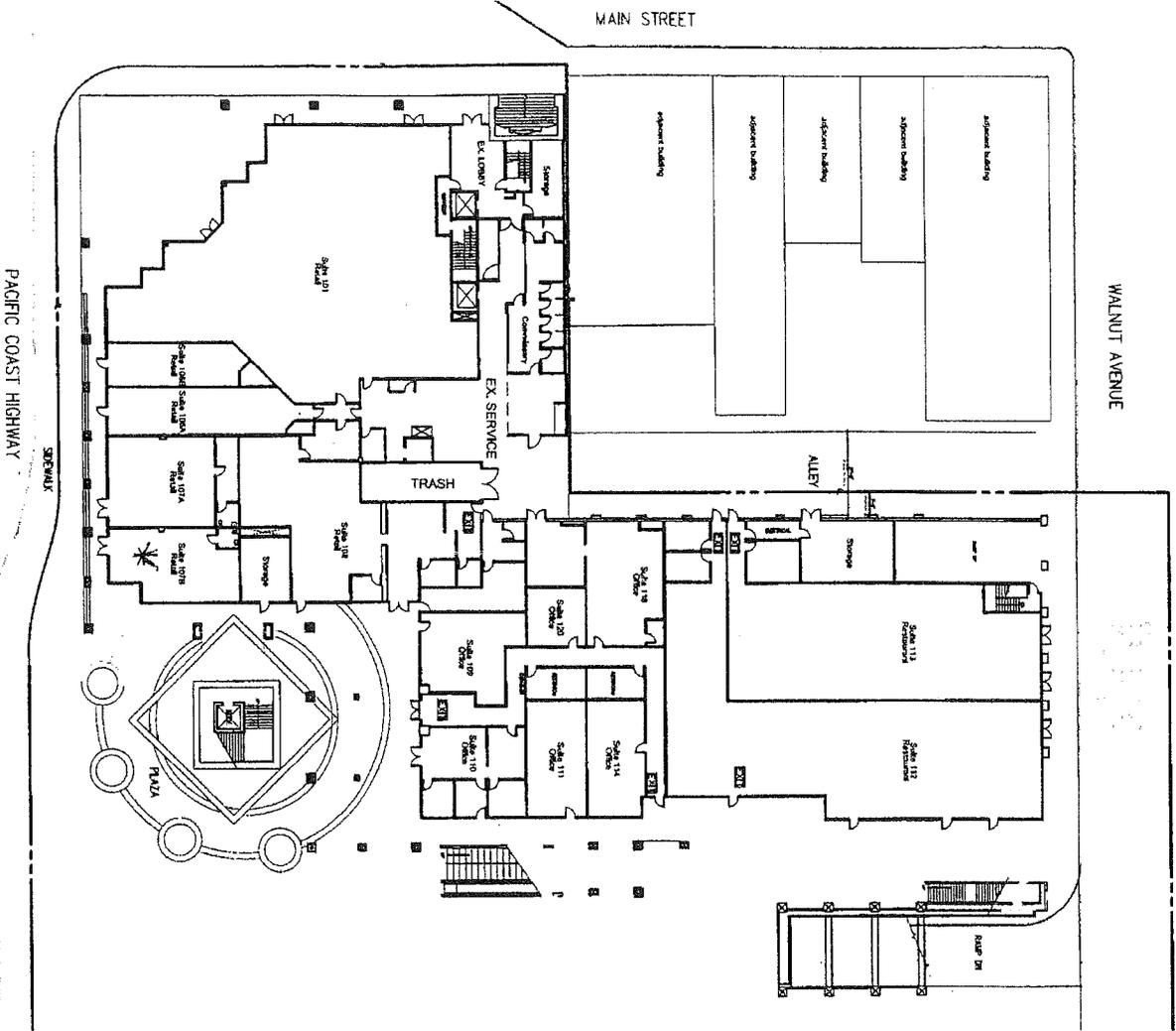
- f. The business will be located in a highly visible location along Pacific Coast Highway. To maintain a clean public image, no items shall be placed in the windows advertising the availability of alcoholic beverages, nor shall any displays or advertisements in the interior be directed to the exterior promoting the availability of alcoholic beverages. **(PD)**
 - g. To comply with the Downtown Specific Plan #5, no alcohol shall be served after midnight. **(PD)**
 - h. Alcohol sales are limited to purchases in conjunction with food. Purchases of alcohol only are prohibited. **(PD)**
 - 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. 2011-16)**
 - j. 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. **(Resolution No. 2011-16)**
 - k. To ensure the location maintains a restaurant atmosphere, 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. 2011-16)**
 - l. Alcoholic drinks shall not be included in the price of admission to any establishment. **(Resolution No. 2011-16)**
 - m. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(Resolution No. 2011-16)**
 - n. All alcohol shall remain on the establishment's premises. **(Resolution No. 2011-16)**
 - o. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(Resolution No. 2011-16)**
 - p. 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. **(Resolution No. 2011-16)**
 - q. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(Resolution No. 2011-16)**
 - r. 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. 2011-16)**
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.

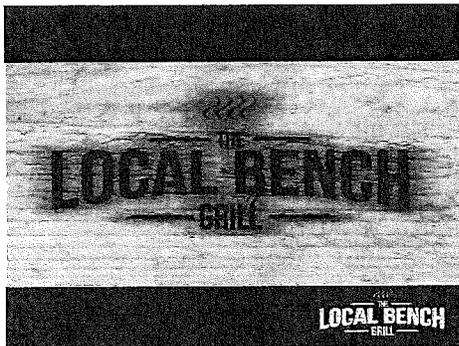


LEVEL 1



ATTACHMENT NO. 2.1

06/06/2013



RECEIVED
JUN 06 2013
Dept. of Planning
& Building

To whom it may concern,

We opened a restaurant called "The Local Bench Grill" in February ,2013,

It is located at 300 Pacific Coast Highway,unit 107-b. Huntington Beach, CA 92648.

We are trying our best to improve our business. We do serve salads, sandwiches, burgers, pastas, Panini's , bowls ,etc. We make all our pasta and burger sauces from scratch and make sure everything taste delicious and fresh. We serve many sodas, fresh brewed ice-tea and Italian Lavazza Coffee.

Most of our customers are looking for a glass of wine or beer especially with their dinner. Our lunch sales are getting better now but when we hand out some fliers or invite our customers for dinner, they always would ask for beer and wine .

We also have another restaurant In Laguna Beach called GG'S Café –Bistro located 540 S.C.H, suite 108, Laguna Beach, CA 92651. It's been opened since February 2005. We had the same problem when we first opened eight years ago. After we applied and could get the beer and wine license, we could see the big change on our sales.

We are trying to create a nice atmosphere with our benches in the restaurant, having some appetizers with your family and have a glass of wine or beer.

We really believe that if you give us the opportunity of having the beer and wine license will help us to be successful.

Best Regards,

Bulent Gundogar

The Local Bench Grill

www.thelocalbenchgrill.com

300 P.C.H. Unit 107-B. Huntington Beach, CA 92648.

ATTACHMENT NO. 3

DAN KALMICK

Memorandum

From: Dan Kalmick, Planning Commissioner, City of Huntington Beach DFK

To: Secretary of the Planning Commission, Scott Hess

Date: August 16, 2013

RE: Appeal of Zoning Administrators approval of Conditional Use Permit No. 13-018
(Local Bench Grill Alcohol)

I am appealing the August 7, 2013 Zoning Administrator approval of the Conditional Use Permit for the Local Bench Grill's ability to sell alcohol (beer and wine) to determine whether or not it will be detrimental to the general welfare of the neighborhood.

Other issues involved:

This CUP was not conditioned with the new 2013 guidelines set forth by the City Council in Resolution 2013-24.

Additional conditions may be necessary to facilitate a restaurant that is open until midnight serving beer and wine.

Possible conditions missing include not being able to serve pitchers and not being able to serve drinks within 15 minutes of closing.

RESOLUTION NO. 2011-16

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 only when the application is a new request for either the service of alcoholic beverages or entertainment, and shall remain in effect unless modified by the reviewing body as part of the Conditional Use Permit via a public hearing.
4. Resolution No. 2010-05 is hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 7th day of March, 2011.

REVIEWED AND APPROVED:

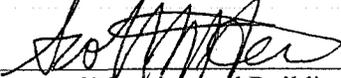


City Manager



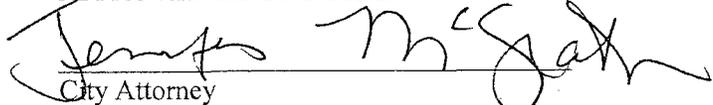
Mayor

INITIATED AND APPROVED:



Director of Planning and Building

APPROVED AS TO FORM:



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 alcohol sales 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.

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 alcohol sales 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.

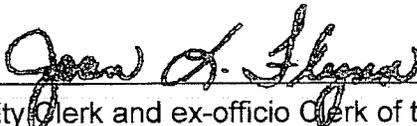
- 12) All exterior doors and windows shall be closed at all times during live entertainment, unless the Chief of Police believes the nature of the entertainment will not interfere with people outside the business or create a public safety concern.
- 13) All amplified entertainment conducted by a performer 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.

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 **March 07, 2011** by the following vote:

AYES: Harper, Hansen, Carchio, Bohr, Dwyer
NOES: Shaw, Boardman
ABSENT: None
ABSTAIN: None



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

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

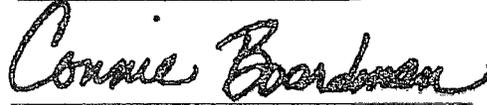
Toward that end, the City Council has established standardized Conditions of Approval for Conditional Use Permits in the Downtown Specific Plan District 1 area with alcoholic beverage sales and/or an entertainment permit,

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.

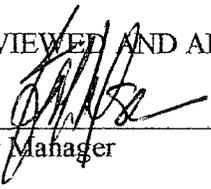
4. Resolution No. 2011-16 is hereby repealed.

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.



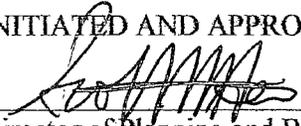
Mayor

REVIEWED AND APPROVED:



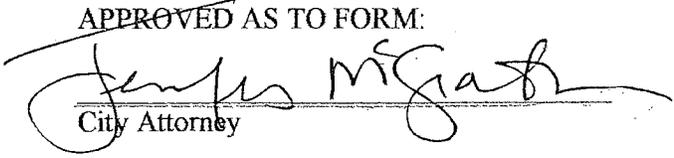
City Manager

INITIATED AND APPROVED:



Director of Planning and Building

APPROVED AS TO FORM:



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.

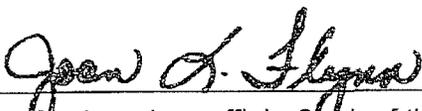
- 13) All amplified entertainment conducted by a performer shall be confined indoors at all times.
- 14) If outdoor entertainment is allowed, it shall be limited to:
 - a) Non-amplified entertainment with no more than two performers.
 - b) Amplified entertainment limited to ambient music only.
- 15) 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

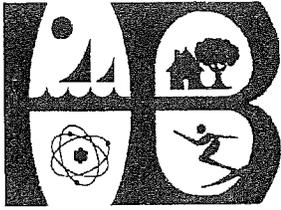
STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

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



**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

~~~~~  
P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

**NOTICE OF ACTION**

August 8, 2013

Bulent Gundogar  
300 Pacific Coast Highway, Unit 107B  
Huntington Beach, CA 2648

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

**APPLICANT:** Bulent Gundogar

**REQUEST:** To permit alcohol (beer and wine) sales, service, and consumption at an existing 1,276 sq. ft. eating and drinking establishment located within an existing multi-tenant commercial building.

**PROPERTY OWNER:** Jay Le Rue, Pierside Pavillion LLC, 300 Pacific Coast Highway, Huntington Beach, CA 92648

**LOCATION:** 300 Pacific Coast Highway, Unit 107B, 92648 (northeast corner of Pacific Coast Highway and Main Street)

**CITY CONTACT:** Hayden Beckman

**DATE OF ACTION:** August 7, 2013

On Wednesday, August 7, 2013, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator 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 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.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal

ATTACHMENT NO. 7-1

period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator'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 Nine Hundred Seventeen Dollars (\$1,917.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand Five Hundred One Dollars (\$2,501.00) 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 August 19, 2013, at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless the use has been established, or as modified by condition of approval.

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 regarding this Notice of Action letter or the processing of your application, please contact Hayden Beckman, the project planner, at (714) 374-5317 or via email at [HBeckman@surfcity-hb.org](mailto:HBeckman@surfcity-hb.org) or the Department of Planning and Building Zoning Counter at (714) 536-5271.

Sincerely,



Ricky Ramos  
Zoning Administrator

RR:HB:jd  
Attachment

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Fred A. Wilson, City Manager  
Scott Hess, Director of Planning and Building  
William H. Reardon, Division Chief/Fire Marshal  
Jane James, Planning Manager  
Debbie DeBow, Principal Civil Engineer  
Mark Carnahan, inspection Manager  
Jim Brown, Fire Protection Analyst  
Joe Morelli, Fire Protection Analyst  
Jay Le Rue, Property Owner  
Project File

ATTACHMENT NO. 7.2

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 13-018**

**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.

**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 1,276 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 and any specific condition required for the proposed use in the district in which it would be located. The proposed project as conditioned complies with the base district 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.

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

1. The site plan and floor plan 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 9:00 AM and 11:00 PM Monday through Thursday and between 9:00 AM and 12:00 AM Friday through Sunday.
  - b. Outdoor dining shall be limited to a maximum of 20% of the restaurant area per Downtown Specific Plan Section 3.2.24.4, unless otherwise permitted.
  - c. Alcohol service or consumption within any outdoor dining area shall be prohibited unless approval is obtained from the City.

- d. 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)**
- e. 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)**
- f. The business will be located in a highly visible location along Pacific Coast Highway. 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)**
- g. To comply with the Downtown Specific Plan #5, no alcohol shall be served after midnight. **(PD)**
- h. Alcohol sales are limited to purchases in conjunction with food. Purchases of alcohol only are prohibited. **(PD)**
- 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. 2011-16)**
- j. 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. **(Resolution No. 2011-16)**
- k. To ensure the location maintains a restaurant atmosphere, 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. 2011-16)**
- l. Alcoholic drinks shall not be included in the price of admission to any establishment. **(Resolution No. 2011-16)**
- m. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(Resolution No. 2011-16)**
- n. All alcohol shall remain on the establishment's premises, including within outdoor dining areas. **(Resolution No. 2011-16)**
- o. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(Resolution No. 2011-16)**
- p. 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. **(Resolution No. 2011-16)**

- q. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(Resolution No. 2011-16)**
  - r. 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. 2011-16)**
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.



**CITY OF HUNTINGTON BEACH  
PLANNING & BUILDING DEPARTMENT  
PLANNING DIVISION  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** JUNE 24, 2013

**PROJECT NAME:** LOCAL BENCH GRILL BEER & WINE

**PLANNING APPLICATION NO.:** PLANNING APPLICATION NO. 13-081

**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 2013-018

**PROJECT LOCATION:** 300 PACIFIC COAST HIGHWAY, SUITE 107B, 92648 (EAST SIDE OF PCH SOUTH OF MAIN STREET)

**PROJECT PLANNER:** HAYDEN BECKMAN, PLANNING AIDE

**PLAN REVIEWER:** DETECTIVE THOBY ARCHER

**TELEPHONE/E-MAIL:** (714) 536-5944 / TARCHER@HBPD.ORG

**PROJECT DESCRIPTION:** TO PERMIT THE ONSITE SALES , SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER & WINE) WITHIN AN EXISTING APPROX. 1,300 SQ. FT. RESTAURANT. THE APPLICANT IS NOT REQUESTING LIVE ENTERTAINMENT OR DANCING.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated June 11, 2013. 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 Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided should the project be approved. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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The proposed modification does not appear to significantly alter the businesses design and function as a full service restaurant operating with a Type-41 (On Sale Eating Place – Beer and Wine) Department of Alcoholic Beverage Control license.

After reviewing the proposed modification to the Local Bench Grill, the Police Department proposes the following conditions to permit alcohol. These conditions will assist in maintaining an environment which prevents alcohol related disturbances within the downtown business district and adjoining residential neighborhoods.

These conditions will also ensure the location continues to operate as a bona fide restaurant.

1. 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.
2. 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).

3. 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.
4. The business will be located in a highly visible location along Pacific Coast Highway. 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.
5. To comply with the Downtown Specific Plan #5, no alcohol shall be served after midnight.
6. Alcohol sales will be limited to purchases in conjunction with food. Purchases of alcohol only are prohibited.
7. Entertainment is prohibited.



## CITY OF HUNTINGTON BEACH PLANNING DIVISION

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** JULY 9, 2013  
**PROJECT NAME:** LOCAL BENCH GRILL ALCOHOL SALES  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 2013-018  
**PROJECT LOCATION:** 300 PACIFIC COAST HIGHWAY, SUITE 107B  
**PROJECT PLANNER:** HAYDEN BECKMAN, PLANNING AIDE  
**TELEPHONE/E-MAIL:** (714) 374-5317 [HBECKMAN@SURFCITY-HB.ORG](mailto:HBECKMAN@SURFCITY-HB.ORG)  
**PROJECT DESCRIPTION:** TO PERMIT ALCOHOL (BEER AND WINE) SALES, SERVICE AND CONSUMPTION AT AN EXISTING 861 SQUARE FOOT EATING AND DRINKING ESTABLISHMENT LOCATED WITHIN AN EXISTING MULTI-TENANT COMMERCIAL BUILDING.

---

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated June 6, 2013. 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 Zoning Administrator 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.

---

#### CONDITIONAL USE PERMIT NO. 13-018:

1. The site plan, floor plans, and elevations approved by the Zoning Administrator shall be the conceptually approved design.
2. The structure(s) cannot be occupied until a Certificate of Occupancy is approved and issued by the Planning & Building Department. **(HBMC 17.04.036)**
3. The use shall comply with the following:
  - a. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be subject to approval of Temporary Use Permit. **(Downtown Specific Plan Section 3.2.25)**
4. The Development Services Departments (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 & 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 Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18. **(HBZSO Section 241.18)**

5. 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)**
6. Conditional Use Permit No. 13-018 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **(HBZSO Section 241.14)**
7. The Zoning Administrator reserves the right to revoke Conditional Use Permit No. 13-018 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 241.16.D)**
8. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
9. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption/Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's approval of entitlements. **(California Code Section 15094)**
10. All permanent, temporary, or promotional signs shall conform to Section 3.2.22 of the Downtown Specific Plan. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning & Building Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**

**RICHARDSON GRAY**  
415 Townsquare Lane #208  
Huntington Beach, CA 92648  
714-348-1928  
richardson.gray@yahoo.com

RECEIVED  
SEP 16 2013  
Dept. of Planning  
& Building

**HAND DELIVERED**

September 18, 2013

City of Huntington Beach Planning Commissioners

**Re: OPPOSITION to Application for Conditional Use Permit No. 13-018**  
**Use: Beer and Wine Sales**  
**Applicant: Bulent Gundoger, Local Bench Grill**  
**Property Owner: Jay Le Rue, Pierside Pavilion LLC**  
**Location: 300 Pacific Coast Hwy., Unit 107B, Huntington Beach, CA 92648**  
**Planning Commission Public Hearing: September 24, 2013**

Dear Commissioners Bixby, Dingwall, Franklin, Kalmick, Peterson, Pinchiff, and Posey:

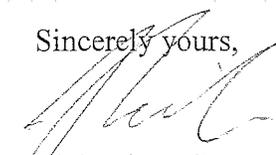
I have owned my home in our Downtown neighborhood for over six years, near the corner of Main and Sixth Streets. I am writing you to state my OPPOSITION to the referenced Conditional Use Permit No. 13-018, for beer and wine sales at Local Bench Grill.

Attached is a report from ABC, for the last beer and wine license granted in the Applicant's census tract. This report shows that ABC guidelines allow five "on-sale" alcohol establishments in our census tract, with any number over five as an undue concentration of ABC licenses. This 2011 report shows as well that, at the time, our census tract already had 38 "on-sale" alcohol establishments. Hence, our census tract had a level of undue concentration in 2011 that was nearly eight times the number of "on-sale" licenses allowed by ABC guidelines.

Enclosed, too, are Huntington Beach Police reports for the 2012 and 2011, showing crime rates for each Reporting District. The Applicant's location is near the border between the two Reporting Districts, numbers 451 and 461, which have the worst crime rates in the City. Together these two Reporting Districts have a crime rate that is over ten times the Citywide average for both years.

Due to our Downtown neighborhood's unacceptably high crime rate, our census tract's astronomical undue concentration of ABC licenses, and the Council's ongoing work with its new Downtown Task Force, I want to state my OPPOSITION to the Applicant's conditional use permit. Thank you for your consideration of my views.

Sincerely yours,



Richardson Gray

cc: Scott Hess, AICP, Planning Director; Hayden Beckman, Planning Aide

ATTACHMENT NO. 9.1

REPORT ON APPLICATION FOR LICENSE

|                                                                                                                                                                                                                                                                                                                                                                           |                                            |                                                                                                  |                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                           |                                            | 1. PENDING NUMBER<br>41-489040                                                                   |                                                     |
| 2. DIVISION<br>Southern                                                                                                                                                                                                                                                                                                                                                   |                                            | 3. DISTRICT/BRANCH<br>SANTA ANA                                                                  |                                                     |
|                                                                                                                                                                                                                                                                                                                                                                           |                                            | 4. DATE<br>January 25, 2011                                                                      |                                                     |
| 5. APPLICANT NAME(S)<br>KA INDUSTRIES INC                                                                                                                                                                                                                                                                                                                                 |                                            |                                                                                                  |                                                     |
| 6. MAILING ADDRESS (Street number and name, city, zipcode) (If different from premises address)<br>6612 BLUE HERON DR, HUNTINGTON BEACH, CA 92648                                                                                                                                                                                                                         |                                            | 7.<br><input type="checkbox"/> Temp <input checked="" type="checkbox"/> Perm                     |                                                     |
| 8. DBA<br>KA SHABU                                                                                                                                                                                                                                                                                                                                                        |                                            | 9. CENSUS TRACT<br>0993.11                                                                       |                                                     |
| 10. PREMISES ADDRESS (Street number and name, city, zip code)<br>301 MAIN ST, STE 110, HUNTINGTON BEACH, CA 92648-5170                                                                                                                                                                                                                                                    |                                            | 11. GEOGRAPHICAL CODE<br>3010                                                                    |                                                     |
| 12. LICENSES APPLIED FOR<br>41                                                                                                                                                                                                                                                                                                                                            |                                            | 13. TRANSACTION TYPE (if intercounty transfer, show transferor's county)<br>Original             |                                                     |
| 14. TEMPORARY PERMIT ISSUED<br><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes<br>Effective 10-14-2010 to 02-10-2011<br><i>I.R.P.</i>                                                                                                                                                                                                                 |                                            | 15. LICENSES ALREADY HELD<br>None                                                                | 16. EFFECTIVE DATE/ESTD COMPLETION DATE<br>Issuance |
| 17. COPIES MAILED DATE<br>April 26, 2010                                                                                                                                                                                                                                                                                                                                  | 18. DATE PREMISES POSTED<br>April 26, 2010 | 19. 23985.5 DATE<br>April 27, 2010                                                               | 20. DATE PREMISES INSPECTED<br>April 29, 2010       |
| 21. WHERE POSTED<br>Front window facing Main St., eye level on 4/26/2010                                                                                                                                                                                                                                                                                                  |                                            |                                                                                                  |                                                     |
| 22. PUBLICATION DATE(S)<br>May 6, 13, 20, 2010                                                                                                                                                                                                                                                                                                                            |                                            | 23. PUBLISHER NAME<br>Huntington Beach Independent                                               |                                                     |
| 24. TRANSFEROR NAME<br>N/A                                                                                                                                                                                                                                                                                                                                                |                                            | 25. TRANSFEROR LICENSE NUMBER<br>N/A                                                             |                                                     |
| 26. TRANSFEROR ADDRESS (If Prem-to-Prem or Double Transfer)                                                                                                                                                                                                                                                                                                               |                                            |                                                                                                  |                                                     |
| 27. ALIEN VERIFICATION<br><input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                                | 28. DATE CLEARED<br>N/A                    | 29. FORM NUMBER/NOTATION<br>N/A                                                                  | 30. LIMITED VERIFICATION DATE<br>N/A                |
| 31. PENDING DISCIPLINARY ACTION AGAINST TRANSFEROR<br>N/A                                                                                                                                                                                                                                                                                                                 |                                            |                                                                                                  |                                                     |
| 32. TRANSFEROR'S LICENSE ORIGINALLY ISSUED DURING LAST 5 YEARS<br><input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A<br>If yes, date:                                                                                                                                                                                       |                                            | 33. MAIL LICENSE TO D. O.<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 34. HEARING TIME<br>N/A                             |
| 35. FORMER LICENSEE AT THESE PREMISES<br>None                                                                                                                                                                                                                                                                                                                             |                                            | 36. LICENSE NUMBER<br>None                                                                       |                                                     |
| 37. ATTACHMENTS<br><input checked="" type="checkbox"/> Conditions <input type="checkbox"/> ABC-256 <input checked="" type="checkbox"/> ABC-243 <input type="checkbox"/> ABC-226 <input type="checkbox"/> ABC-231 <input type="checkbox"/> ABC-140 <input checked="" type="checkbox"/> ABC-253 <input checked="" type="checkbox"/> ABC-257 <input type="checkbox"/> Other: |                                            |                                                                                                  |                                                     |
| 38. REMARKS<br>ABC-203 Acknowledgment re Food Service maintained in base file.<br>Conditions re 61.4, CP and over concentration and protest imposed.<br>Protest Application                                                                                                                                                                                               |                                            |                                                                                                  |                                                     |
| 39. RECOMMENDATION<br>APPROVAL/COND 7                                                                                                                                                                                                                                                                                                                                     |                                            | LICENSING REPRESENTATIVE/INVESTIGATOR<br>LEONORA AMANTE                                          | DATE<br>January 25, 2011                            |
| APPROVAL/COND 7                                                                                                                                                                                                                                                                                                                                                           |                                            | SUPERVISOR<br>DAWN KENNY                                                                         | DATE                                                |
| RECOMMENDATION<br>APPROVAL/COND 7                                                                                                                                                                                                                                                                                                                                         |                                            | DISTRICT ADMINISTRATOR<br>DANIEL HART                                                            | DATE<br>2/3/11                                      |
| RECOMMENDATION<br>C7 App. 1                                                                                                                                                                                                                                                                                                                                               |                                            | ASSISTANT DIRECTOR                                                                               | DATE<br>2-9-11                                      |
| SEE REVERSE FOR REPORT: 1. MORAL CHARACTER 2. PREMISES 3. FINANCIAL                                                                                                                                                                                                                                                                                                       |                                            |                                                                                                  |                                                     |

RECEIVED  
FEB - 7 2011

Dept of Alcoholic Beverage Control  
Southern Division

**PREMISES:**

The premises is located in the downtown portion of Huntington Beach, in a mix-use development three story building called "The Plaza Almeria" that contains retail/restaurants on the ground level. The premises is on the ground level. The second floor consists of various commercial businesses. The third floor consists of condominiums residences. There are sixteen (16) residences located within 100 feet of the premises. They are on the 3<sup>rd</sup> level of the same building in which the premises is located in. The residences are separated from the premises by the 2<sup>nd</sup> floor which consists of various commercial businesses. Access to the condominium units is via elevator that is located within the same building three (3) suites away from the proposed premises.

The premises measures approximately 40' X 80' and consists of a "hot pot" style dining area with a seating capacity of approximately 50 patrons, one (1) fixed bar counter, restrooms, storage and kitchen areas that complies with Section 23038 B & P.

The premises intend to operate as a full service restaurant specializing in Shabu "hot pot" style dining. The restaurant consists of three (3) U shape tables with 40 individual seats with induction burner. Each customer will get their own Shabu pot to cook their choice of meat such as beef, chicken or fish, etc. along with vegetables, rice and noodles and then they become their own "chef". Entertainment consists of recorded music and television.

Parking garage structure is also located on the first floor of the Plaza Almeria for both residents and the public to use.

**LICENSE HISTORY:**

The premises has never been licensed.

**SECTION 23958.4 (Undue Concentration/High-Crime Area):**

| <u>Census Tract</u> | <u>Population</u> | <u>Allowed/Existing</u> |
|---------------------|-------------------|-------------------------|
| 0993.11             | 3818              | 5/38 (On-Sale)          |

**Crime Statistics:**

Jurisdiction of Huntington Beach Police Department was not able to provide statistical data.



# CITY OF HUNTINGTON BEACH

## INTER-DEPARTMENT COMMUNICATION

**TO:** Investigator Fong, Investigator Archer  
Vice Investigators

**CC:** Chief of Police via Chain of Command

**FROM:** **Julie Romano**  
Crime Analysis Unit

**DATE:** February 28, 2013

**SUBJECT:** 2012 Part I Crimes and Part II Arrests for ABC Report

I have attached a copy of Part I Crimes by RD and Part II Arrests by RD for the City of Huntington Beach. A summary is as follows:

|                                     |       |
|-------------------------------------|-------|
| Total RD's In the City              | 130   |
| Total Crime Count                   | 10084 |
| Average Crime Count per Patrol Area | 77.57 |

A 20% greater number of crimes than the average number of crimes for all RDs is **93.08**

There are 31 RDs with a count greater than 93.08. The RD's are listed in RD order.

| RD  | Part I Crimes | Part II Arrests | Grand Total | RD  | Part I Crimes | Part II Arrests | Grand Total |
|-----|---------------|-----------------|-------------|-----|---------------|-----------------|-------------|
| 165 | 85            | 44              | 129         | 293 | 178           | 75              | 253         |
| 168 | 66            | 31              | 97          | 349 | 98            | 20              | 118         |
| 171 | 65            | 32              | 97          | 412 | 88            | 89              | 177         |
| 179 | 59            | 35              | 94          | 413 | 61            | 97              | 158         |
| 241 | 83            | 32              | 115         | 421 | 53            | 59              | 112         |
| 242 | 339           | 73              | 412         | 422 | 78            | 70              | 148         |
| 252 | 106           | 76              | 182         | 431 | 35            | 104             | 139         |
| 253 | 74            | 22              | 96          | 432 | 93            | 156             | 249         |
| 261 | 80            | 67              | 147         | 436 | 94            | 33              | 127         |
| 262 | 133           | 77              | 210         | 442 | 89            | 82              | 171         |
| 263 | 53            | 56              | 109         | 451 | 500           | 621             | 1121        |
| 271 | 48            | 63              | 111         | 452 | 67            | 57              | 124         |
| 272 | 117           | 168             | 285         | 461 | 279           | 233             | 512         |
| 273 | 70            | 58              | 128         | 462 | 56            | 71              | 127         |
| 282 | 68            | 114             | 182         | 463 | 76            | 41              | 117         |
| 285 | 66            | 130             | 196         |     |               |                 |             |



# CITY OF HUNTINGTON BEACH

## INTER-DEPARTMENT COMMUNICATION

**TO:** Investigator Kessler, Investigator Fong  
Vice Investigators

**CC:** Chief of Police via Chain of Command

**FROM:** **Julie Romano**  
Crime Analysis Unit

**DATE:** January 31, 2012

**SUBJECT:** 2011 Part I Crimes and Part II Arrests for ABC Report

I have attached a copy of Part I Crimes by RD and Part II Arrests by RD for the City of Huntington Beach. A summary is as follows:

|                                     |       |
|-------------------------------------|-------|
| Total RD's In the City              | 130   |
| Total Crime Count                   | 10336 |
| Average Crime Count per Patrol Area | 79.51 |

A 20% greater number of crimes than the average number of crimes for all RDs is **95.41**

There are 31 RDs with a count greater than 95.41. The RD's are listed in RD order.

| RDs | Part I Crimes | Part II Arrests | Total | RDs | Part I Crimes | Part II Arrests | Total |
|-----|---------------|-----------------|-------|-----|---------------|-----------------|-------|
| 155 | 68            | 34              | 102   | 412 | 73            | 89              | 162   |
| 165 | 76            | 53              | 129   | 413 | 71            | 108             | 179   |
| 241 | 73            | 48              | 121   | 421 | 58            | 62              | 120   |
| 242 | 283           | 80              | 363   | 422 | 75            | 84              | 159   |
| 252 | 81            | 88              | 169   | 431 | 52            | 131             | 183   |
| 253 | 78            | 24              | 102   | 432 | 77            | 169             | 246   |
| 261 | 84            | 65              | 149   | 436 | 99            | 38              | 137   |
| 262 | 87            | 78              | 165   | 441 | 55            | 66              | 121   |
| 263 | 58            | 57              | 115   | 442 | 93            | 106             | 199   |
| 271 | 49            | 59              | 108   | 451 | 327           | 838             | 1165  |
| 272 | 170           | 157             | 327   | 452 | 65            | 67              | 132   |
| 273 | 54            | 48              | 102   | 461 | 193           | 264             | 457   |
| 282 | 48            | 124             | 172   | 462 | 46            | 76              | 122   |
| 283 | 56            | 131             | 187   | 463 | 62            | 50              | 112   |
| 293 | 125           | 70              | 195   | 476 | 70            | 56              | 126   |
| 349 | 83            | 44              | 127   |     |               |                 |       |