



City of Huntington Beach Planning and Building Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Tess Nguyen, Associate Planner 
DATE: January 11, 2011

SUBJECT: CONDITIONAL USE PERMIT NO. 10-028 (BOMBURGER RESTAURANT ALCOHOL SALES)

**APPLICANT/
BUSINESS**

OWNER: Rob Sleenhof, 4206 Spindrift Road, Newport Beach, CA 92663

PROPERTY

OWNER: Robert Koury, 200 Main Street, Suite No. 206, Huntington Beach, CA 92648

LOCATION: 200 Main Street, Suite No. 114, 92648 (east side of Main Street, between Olive Avenue and Walnut Avenue – Downtown)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

The proposed project is a request to permit the sales and service of alcoholic beverages (beer and wine only) for on-site consumption within an existing 1,489 sq. ft. restaurant and 143 sq. ft. outdoor dining area. The sale and consumption of alcohol is proposed to occur within the interior of the restaurant as well as the outdoor dining area.

The restaurant will employ approximately 12 people, with shifts averaging approximately 3 to 4 employees. The current hours of operation for the restaurant and outdoor dining area are between 11:00 AM and 2:00 AM, seven days a week. The proposed hours of operation for the alcohol service are between 11:00 AM and 10:00 PM, seven days a week. The applicant is requesting to maintain the current hours of operation until 2:00 AM for the restaurant and outdoor dining area while discontinuing the sales and service of alcohol at 10:00 PM. The alcohol request is for beer and wine only and does not include a full service bar with spirits.

The subject suite is located within the Main Promenade building, a mixed use development consisting of commercial and parking facilities. The existing restaurant is located within Suite No. 114. The main dining area is located at the front of the unit facing Main Street along with an outdoor dining area adjacent to the restaurant and next to the public walkway along Main Street.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay)	SP-5 (Downtown Specific Plan District 5/Coastal Zone)	Commercial Uses/Parking Facility
North of Subject Property (across Olive Avenue):	MV-F6/25-sp-pd	SP-5	Post Office/Commercial
East of Subject Property (across 3 rd Street):	MV-F6/25-sp-pd	SP-5	Commercial/Residential
South of Subject Property (across Walnut Avenue):	MV-F6/25-sp-pd	SP-5	Commercial
West of Subject Property (across Main Street):	MV-F6/25-sp-pd	SP-5	Commercial

The City approved Conditional Use Permit No. 88-34 and Coastal Development Permit No. 88-27 to permit a 32,073 sq. ft. commercial building integrated with a 5-level parking structure (Main Promenade) on October 18, 1988. In addition, prior City actions for Suite No. 114 include: Conditional Use Permit No. 09-011 to permit the establishment of a 1,489 sq. ft. take-out restaurant approved August 5, 2009; Administrative Permit No. 10-012 to permit the establishment of a 143 sq. ft. outdoor dining area approved on June 15, 2010.

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION:

November 23, 2010

MANDATORY PROCESSING DATE(S):

February 23, 2010

Conditional Use Permit No. 10-028 was filed on October 26, 2010 and deemed complete on November 23, 2010. A 30-day extension to the mandatory processing time was submitted due to the City Hall Closure. The application is tentatively scheduled for a public hearing before the Planning Commission on January 25, 2011.

CEQA ANALYSIS/REVIEW

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

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Departments of Planning and Building, Fire, Economic Development, and Police have reviewed the application and identified applicable code requirements (Attachment No. 4).

The Police and Economic Development Departments expressed concerns with the proposed hours of operation of the restaurant until 2:00 AM. Specifically, the Police Department does not support the project if it does not conform to all conditions of approval of City Council Resolution No. 2010-05 for eating and drinking establishments with alcoholic beverage sales. The standard conditions of approval for establishments located within the Downtown Specific Plan are attached for review (Exhibit A of City Council Resolution No. 2010-05 – Attachment No. 5).

PUBLIC MEETINGS, COMMENTS AND CONCERNS

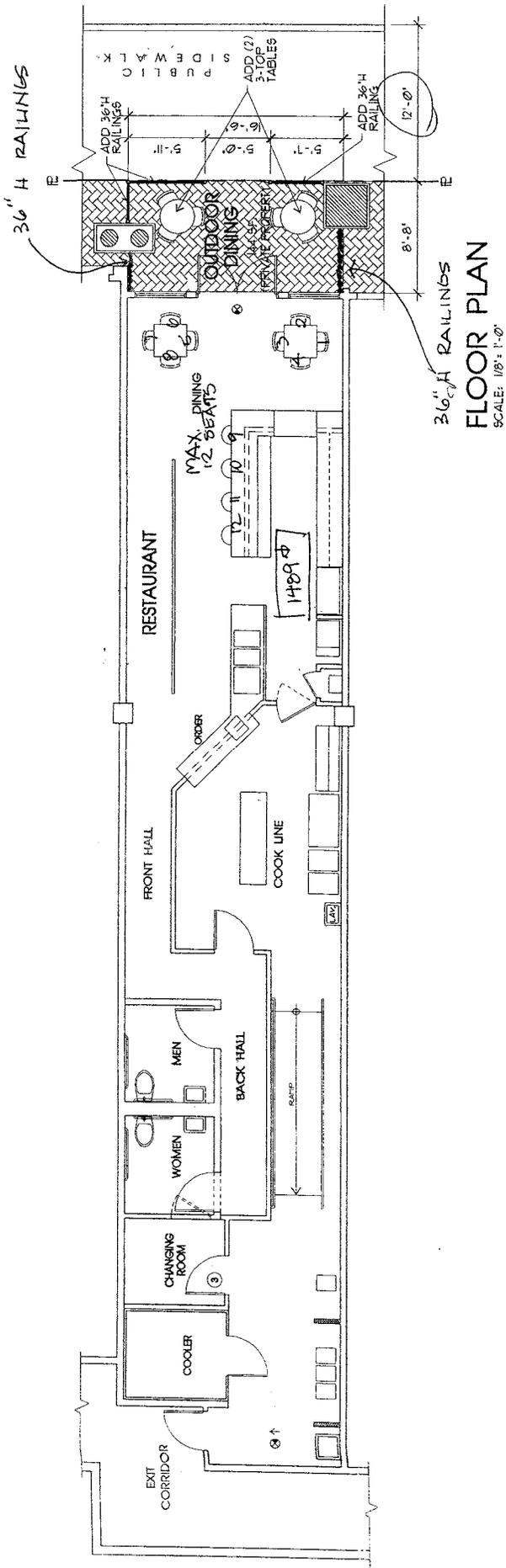
There have been no public meetings regarding this request. To date, there have been no comments from the public regarding this request.

PLANNING ISSUES

The primary issue identified with the restaurant and outdoor dining area is related to land use compatibility of the sale of alcoholic beverages. In general, the proposed use is consistent with scope and intent of the development in the downtown and supported by the General Plan and the Downtown Specific Plan. In addition, suggested conditions of approval are recommended for consistency with City Council Resolution No. 2010-05, Eating and Drinking Establishments with Alcohol Beverage Sales.

ATTACHMENTS:

1. Vicinity Map
2. Site Plan and Floor Plan received and dated November 8, 2010
3. Project Narrative received and dated November 8, 2010
4. Code Requirements Letter dated December 6, 2010 (for informational purposes only)
5. City Council Resolution No. 2010-05 – Exhibit “A” Standard Conditions of Approval

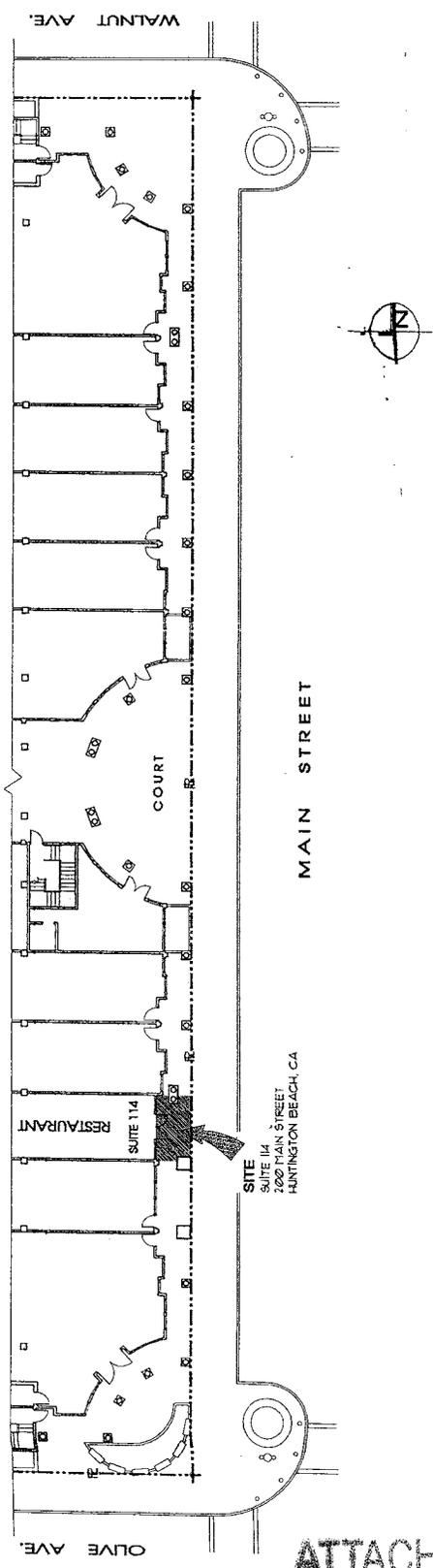


REVISED

NOV 08 2010

Huntington Beach
PLANNING DEPT.

DATE: 05/10/10	THIS DRAWING IS THE PROPERTY AND COPYRIGHT © OF THE ARCHITECT
SCALE: 1/8" = 1'-0"	
CAD FILE: 19914-A1	
BOMBARDIER RESTAURANT OUTDOOR DINING	
SUITE 114 HUNTINGTON BEACH CALIFORNIA	
JEFF BERGSMAN ARCHITECT	
TEAM	A1
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714. 434. 4888	
21. 144. 1201. 5AVE. N.	
HUNTINGTON BEACH, CA 92648	
TEL: 714. 434. 4888	

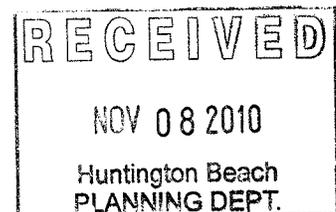


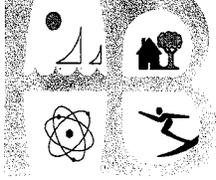
BOMBURGER Conditional Use Permit Application

We are submitting this application in hopes of securing a 41-On Sale Beer and Wine Sales Permit from the Alcoholic Beverage Control. We are currently a 1500 square foot, fully functioning restaurant at 200 Main St. Suite 114. Our hours of operation are 11:00am to 2:00am, and we have roughly 3-4 employees working at any given time. We are expanding our menu in hopes of appealing to a wider range of clientele. In addition to the food items being introduced we would also like to offer Beer and Wine as alternative beverage options to be served only between the hours of 11:00am and 10:00pm in our dining and patio area. We believe that these changes will help us to bolster sales and stay competitive in the busy downtown area.

Although we are aware that the resolution states that "hours of operation shall be limited to between 7:00am and 12:00pm", we would like to suggest that discontinuing alcohol sales at 10:00, and continuing to serve food until 2:00am would not conflict with the resolution.

The area immediately surrounding our location is of mixed use, ranging from full service bars, and restaurants, to retail outlets, and miscellaneous service establishments. The downtown area is a tourist rich environment, but also frequented by Huntington Beach Locals alike. Our menu changes, including the addition of beer and wine will appeal to the vast majority of the Main Street crowd, further diversifying this expanding commercial area.





City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

December 6, 2010

Rob Sleenhof
4206 Spindrift
Newport Beach CA 92663

**SUBJECT: CONDITIONAL USE PERMIT NO. 2010-028 (BOMBURGER ALCOHOL SALES)—200 MAIN STREET #114
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Sleenhof:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or if site conditions change, the list may also change based upon modifications to your project and the applicable city policies, standard plans, and development and use requirements.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1744 (tnguyen@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

TESS NGUYEN
Associate Planner

Enclosures

cc: Bill Grove, Building & Safety Department – 714-536-5677
Luis Gomez, Economic Development – 714-536-5544
Jason Kelly, Planning Department
Robert Koury Property, Property Owner

Darin Maresh, Fire Department – 714-536-5531
Bill Stuart, Police – 714-374-5368
Herb Fauland, Planning Manager
Project File

ATTACHMENT NO. 4.1



**CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT**

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: NOVEMBER 30, 2010
PROJECT NAME: BOMBURGER ALCOHOL SALES
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 10-0187
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 10-028
DATE OF PLANS: NOVEMBER 8, 2010
PROJECT LOCATION: 200 MAIN STREET #114, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 374-1744/ tnguyen@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT THE SALES AND SERVICE OF ALCOHOLIC BEVERAGES FOR ONSITE CONSUMPTION WITHIN AN EXISTING 1,489 SQ. FT. RESTAURANT AND IN A 143 SQ. FT. OUTDOOR DINING AREA

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

1. The site plan and floor plan approved by the Planning Commission shall be the conceptually approved design.
2. 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 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 Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18. (HBZSO 241.18)
3. Conditional Use Permit No. 10-028 shall not become effective until the ten calendar day appeal period from the date of Planning Commission approval of the entitlements has

elapsed. **(HBZSO Section 241.14)**

4. Conditional Use Permit No. 10-028 shall become null and void unless exercised within one year 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 Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16.A)**
5. The Planning Commission reserves the right to revoke Conditional Use Permit No. 10-028 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)**
6. The use 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)**
7. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC Section 8.40.090)**
8. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption 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 action. **(California Code Section 15094)**
9. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**
10. Live entertainment shall not be permitted unless a conditional use permit for this specific use is reviewed and approved. **(HBZSO Section 211.04)**



CITY OF HUNTINGTON BEACH
PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: NOVEMBER 8, 2010
PROJECT NAME: BOMBURGER ALCOHOL SALES
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 10-0187
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 10-028
DATE OF PLANS: NOVEMBER 8, 2010
PROJECT LOCATION: 200 MAIN STREET #114, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER: BILL GROVE, INSPECTION MANAGER, BUILDING DIVISION
TELEPHONE/E-MAIL: (714) 536-5677/ bgrove@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT THE SALES AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN AN EXISTING 1,489 SQ. FT. RESTAURANT AND IN A 144 SQ. FT. OUTDOOR DINING AREA.

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

1. A building permit is required for the rail enclosing the outdoor dining area.
2. Any modifications necessary to refrigerate or dispense alcoholic beverages are subject to a permit.



CITY OF HUNTINGTON BEACH
PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: NOVEMBER 8, 2010
PROJECT NAME: BOMBURGER ALCOHOL SALES
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 10-0187
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 10-028
DATE OF PLANS: NOVEMBER 8, 2010
PROJECT LOCATION: 200 MAIN STREET #114, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER: LUIS GOMEZ, ECONOMIC DEVELOPMENT
TELEPHONE/E-MAIL: (714) 536-5544/ luis.gomez@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT THE SALES AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN AN EXISTING 1,489 SQ. FT. RESTAURANT AND IN A 144 SQ. FT. OUTDOOR DINING AREA.

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Economic Development has reviewed Planning Application No. 10-0187 and supports the request with the following condition:

1. Restaurant hours shall be from 11 am to midnight.

ATTACHMENT NO. 4.5



HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: December 2, 2010

PROJECT NAME: BOMBURGER ALCOHOL SALES

ENTITLEMENTS: PLANNING APPLICATION NO. 10-0187

PROJECT LOCATION: 200 MAIN STREET #114, HUNTINGTON BEACH

PLANNER: TESS NGUYEN, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 374-1744/ tnguyen@surfcity-hb.org

PLAN REVIEWER-FIRE: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST

TELEPHONE/E-MAIL: (714) 536-5531/ dmaresh@surfcity-hb.org

PROJECT DESCRIPTION: TO PERMIT THE SALES AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN AN EXISTING 1,489 SQ. FT. RESTAURANT AND IN A 144 SQ. FT. OUTDOOR DINING AREA.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated November 8, 2010. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST.

Fire Department has no comments for this request.

Fire Department City Specifications may be obtained at:
Huntington Beach Fire Department Administrative Office
City Hall 2000 Main Street, 5th floor
Huntington Beach, CA 92648
or through the City's website at www.surfcity-hb.org

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.



CITY OF HUNTINGTON BEACH
PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: NOVEMBER 8, 2010
PROJECT NAME: BOMBURGER ALCOHOL SALES
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 10-0187
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 10-028
DATE OF PLANS: NOVEMBER 8, 2010
PROJECT LOCATION: 200 MAIN STREET #114, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER: W. Stuart, Captain
TELEPHONE/E-MAIL: (714) 374-5368/ bstuart@hbpd.org
PROJECT DESCRIPTION: TO PERMIT THE SALES AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN AN EXISTING 1,489 SQ. FT. RESTAURANT AND IN A 144 SQ. FT. OUTDOOR DINING AREA.

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The applicant clearly acknowledges in the narrative of the application, his request to serve alcohol and remain open until 2:00 AM is in direct conflict with the very first condition listed in City Council Resolution 2010-05. The Police Department does not support approval of a CUP that does not conform with all conditions listed in the resolution.

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.

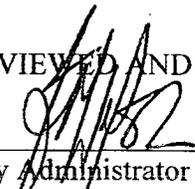
3. These proposed conditions shall apply to conditional use permit applications applied for subsequent to adoption of this Resolution and shall remain in effect unless modified by the reviewing body as part of the Conditional Use Permit via a public hearing.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19th day of January, 2010.



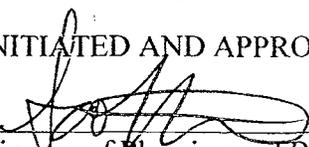
Mayor

REVIEWED AND APPROVED:



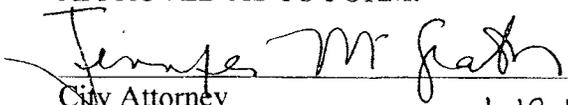
City Administrator

INITIATED AND APPROVED:



Director of Planning and Building

APPROVED AS TO FORM:



City Attorney

1-12-10

EXHIBIT AEATING 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.

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.

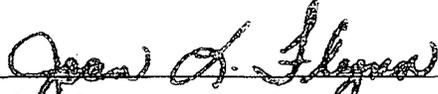
- 13) All amplified entertainment conducted by a performer shall be confined indoors at all times.
- 14) If outdoor entertainment is allowed, it shall be limited to:
 - a) Non-amplified entertainment with no more than two performers.
 - b) Amplified entertainment limited to ambient music only.
- 15)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

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 **January 19, 2010** by the following vote:

AYES: Hardy, Green, Bohr, Dwyer, Hansen
NOES: None
ABSENT: Coerper
ABSTAIN: Carchio



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