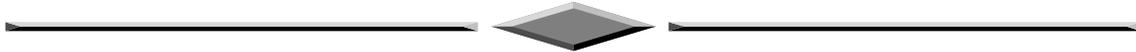


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Christopher Wong, Associate Planner  
**DATE:** April 5, 2017

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 17-001 (BUON GUSTO RESTAURANT EXPANSION & ALCOHOL)**

**LOCATION:** 4911 Warner Avenue, Suite 108, Huntington Beach, CA 92649 (northeast corner of Warner Avenue and Green Lane)



**Applicant:** Peter Kourkoulis, 4911 Warner Ave., Suite 109, Huntington Beach, CA 92649

**Property Owner:** Dr. Art Jan, 4911 Warner Avenue, Suite 109, Huntington Beach, CA 92649

**Request:** To allow an existing 4,300 sq. ft. restaurant (Buon Gusto) to expand to an adjacent 1,200 sq. ft. suite and allow on-site sales, service, and consumption of alcohol (ABC License Type 47) in the expanded area.

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

**Zone:** CG (General Commercial)

**General Plan:** CG-F1 (Commercial General – Maximum floor area ratio of 0.35)

**Existing Use:** Commercial



**RECOMMENDATION:** Staff recommends approval of the proposed project based upon the following findings:

**SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act

(CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves a minor alteration to the operation of an existing development involving negligible expansion of an existing use.

**SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 17-001:**

1. Conditional Use Permit No. 17-001, which allows an existing 3,100 sq. ft. restaurant (Buon Gusto) to expand to an adjacent 1,200 sq. ft. suite and allows on-site sales, service, and consumption of alcohol (ABC License Type 47) in the expanded area, 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. Even with alcohol, characteristics of the business and operation indicate the primary use will remain restaurant. A full menu of prepared food items for on-site consumption is served during business hours. Business hours are also consistent with those of a typical restaurant. Additionally, live entertainment and patron dancing are not offered on the premises. Therefore, it is evident the request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. Such a use will not be detrimental to the welfare of persons in the vicinity and will help sustain a vital area for business activity that serves the community. Conditions have been included to ensure the sales and consumption of alcohol will remain incidental to the primary restaurant use.
2. Expanding an existing 3,100 sq. ft. restaurant (Buon Gusto) to an adjacent 1,200 sq. ft. suite and allowing on-site sales, service, and consumption of alcohol (ABC License Type 47) in the expanded area will be compatible with surrounding land uses. The project site is located within an existing commercial shopping center with a mix of retail, office, food, and service uses. The nearest residential uses are approximately 120 feet away to the north of the tenant space. These residences are adequately buffered from the subject commercial activity by the building, landscaping, and parking areas. Therefore, the proposed restaurant use with on-site sales, service, and consumption of alcohol is compatible with surrounding uses.
3. Conditional Use Permit No. 17-001, which allows an existing 3,100 sq. ft. restaurant (Buon Gusto) to expand to an adjacent 1,200 sq. ft. suite and allows on-site sales, service, and consumption of alcohol (ABC License Type 47) in the expanded area, will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). To ensure a comprehensive and orderly planned use of land resources, the HBZSO allows eating and drinking establishments with alcohol service subject to the approval of a conditional use permit.
4. Granting a conditional use permit to allow an existing 3,100 sq. ft. restaurant (Buon Gusto) to expand to an adjacent 1,200 sq. ft. suite and allow on-site sales, service, and consumption of alcohol (ABC License Type 47) in the expanded area will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (Commercial General – Maximum floor area ratio of 0.35) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.8 Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The proposed conditional use permit will facilitate the continued success of an existing eating and drinking establishment by permitting the sale of alcoholic beverages in the expanded area of a restaurant in a safe manner for customers and residents of the surrounding area. Conditions have been added to the permit which limit the use and manner in which alcohol may be sold and consumed, and will limit the business hours of operation consistent with Conditional Use Permit 12-08. With conditions of approval, the proposed use will be compatible with the land uses in the surrounding neighborhood while providing a service that is responsive to market needs. Thus, the sale of alcohol for on-site consumption is consistent with the General Plan.

B. Economic Development Element

Policy ED 2.4.3 Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market place.

The project is located along a major arterial in the City that contains a mix of restaurants, retail, and entertainment uses. The project serves to expand the range of goods and services provided in the area, and facilitate continued viability of the commercial center.

**SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 17-001:**

1. The site plan and floor plan received and dated January 10, 2017 shall be the conceptually approved design.
2. The conditions of approval from Conditional Use Permit No. 12-08 shall remain in full effect.
3. The use shall comply with the following:
  - a. The hours of operation of the interior restaurant shall be limited to between 10:00 am and 12:00 am daily. Hours of operation for the outdoor dining area shall be limited to between 10:00 AM and 10:00 PM as established in CUP No. 12-008.
  - b. Prior to sales, service or consumption of alcoholic beverages the establishment shall obtain an ABC license authorizing On Sale alcohol sales. The establishment shall be limited to a Type 47 (On Sale Eating Place) ABC License. **(PD)**

- c. Live Entertainment shall not be permitted unless a Conditional Use Permit (CUP) for this specific use is reviewed and approved and a valid Entertainment Permit issued by the Huntington Beach the Police Department. **(PD)**
- d. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available to the public until at least sixty (60) minutes prior to the scheduled closing time. **(PD)**
- e. All alcoholic beverages shall remain within the interior of the business and within the confines of the patio area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). **(PD)**
- f. Signs shall be posted in a conspicuous space at the entrance/exit of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- g. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- h. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- i. No new customers shall be permitted after 30 minutes before closing. **(PD)**
- j. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- k. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- l. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
- m. An employee of the business must monitor all areas where alcohol is served. **(PD)**
- n. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- o. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. **(PD)**
- p. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
- q. 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. **(PD)**
- r. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be

made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. **(PD)**

- s. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. **(PD)**
4. CUP No. 17-001 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
5. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
6. 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.