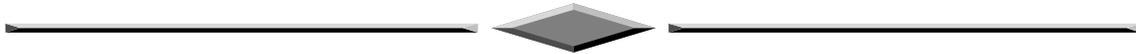


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Kimo Burden, Planning Aide
DATE: April 6, 2016

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 16-005/ CONDITIONAL USE PERMIT NO. 16-008 (TABU SHABU RESTAURANT BEER AND WINE)**

LOCATION: 16821 Algonquin St., Suite 102, 92649 (northwest corner of Davenport Dr. and Algonquin St. – Huntington Harbour Mall)



Applicant: Randy Nguyen, 7752 13th St. #A, Westminster, CA 92683

Property Owner: D.D. Dunlap Companies Inc., 16897 Algonquin St. #A, Huntington Beach, CA 92649

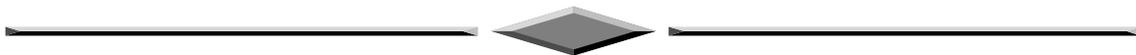
Request: **CDP:** To permit the conversion of an existing retail space into a new 1,300 sq. ft. restaurant. **CUP:** To permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within a proposed restaurant.

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

Zone: CG-CZ (Commercial General – Coastal Zone)

General Plan: CG-F1 (Commercial General – 0.35 FAR max)

Existing Use: Retail



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

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of minor alterations to an existing commercial building involving no expansion in the overall floor area of the structure.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 16-005:

1. Coastal Development Permit No. 16-005 to permit the conversion of existing retail space into a new 1,300 sq. ft. restaurant conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following policies:

Policy – C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Policy – C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.

The proposed use is similar to and compatible with existing uses in the Huntington Harbour Mall. It will be located within the interior of the existing commercial center to serve the residences in the community and visitors to the area.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable land use controls and development standards, including on-site parking requirements.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project will involve tenant improvements on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-008:

1. Conditional Use Permit No. 16-008 to permit the onsite sales, service, and consumption of beer and wine within a proposed 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 restaurant is located within the interior of the commercial center and more than 200 feet from the nearest residential uses. Nearby residences will be buffered from the restaurant by parking lots, streets, and buildings. The proposed use is not anticipated to generate additional noise, traffic, and safety impacts beyond which already exist in the surrounding area.
2. The conditional use permit will be compatible with surrounding uses because the onsite sales, service, and consumption of beer and wine will be ancillary to the restaurant use. The proposed use will occur entirely within the restaurant and operate during business hours similar to other commercial uses in the vicinity. The restaurant is located within an existing multi-tenant commercial shopping center and will be compatible with adjacent uses which provide service to nearby residents and visitors.

3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The restaurant with beer and wine sales is located within an existing commercial center, which conforms to applicable site development standards in terms of minimum onsite parking requirements. Restaurants with alcohol sales are permitted in the CG (Commercial General) zoning district subject to approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General (CG) 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, 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.

B. Economic Development Element

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

The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located within an existing commercial center, which includes restaurants, retail, and service uses. Based upon the operational conditions imposed, the restaurant is not anticipated to result in negative impacts on adjacent properties.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 16-005 /CONDITIONAL USE PERMIT NO. 16-008:

1. The site plan and floor plan received and dated February 3, 2016, shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Restaurant business hours shall be limited to between 10:00 AM to 11:00 PM daily. **(PD)**
 - b. Prior to sales, service or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the restaurant. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License. **(PD)**

- c. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
- d. 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 at least one hour prior to the scheduled closing time. **(PD)**
- e. All alcoholic beverages shall remain within the interior of the restaurant and bar, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). Service of alcoholic beverages for consumption off-site will not be permitted. A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
- f. A sign shall be posted in a conspicuous space at the entrance/exit point of the restaurant, which shall state, "No ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
- g. In order to reduce noise disturbances to the residential community located less than 100 feet from the west end of the building, all exterior doors will remain closed during business hours. **(PD)**
- h. All employees engaged in the sale or service of alcohol shall complete a 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. **(PD)**
- i. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
- j. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 PM. **(PD)**
- k. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- l. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**
- m. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- n. 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)**
- o. 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)**
- p. Per Section 5.44.140 HBMC: All owners, employees, representatives, and agents shall obey all state, local, and municipal laws, conditions of the Conditional Use

Permit, Entertainment Permit, Alcoholic Beverages Control License, or any other regulations, provision, or restrictions prescribed at all times. Any violations of any law or conditions will be considered violations of the permit to constitute permit suspension or revocation in addition to civil or criminal enforcement. **(PD)**

3. CUP No. 16-008/ CDP No. 16-005 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.
4. 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.
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems <http://www.builditgreen.org/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.