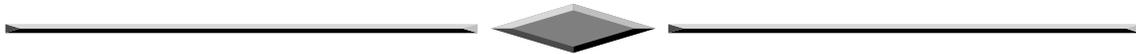


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: June 20, 2012

SUBJECT: CONDITIONAL USE PERMIT NO. 12-08 (BUON GUSTO ALCOHOL SALES)

LOCATION: 4911 Warner Avenue, Suite No. 109, 92649 (northwest corner of Green Street and Warner Avenue)



Applicant: Peter Kourkoulis, 4911 Warner Avenue, Suite No. 109, Huntington Beach, CA 92648

Property Owner: Art Jan, 4911 Warner Avenue, Suite No. 109, Huntington Beach, CA 92649

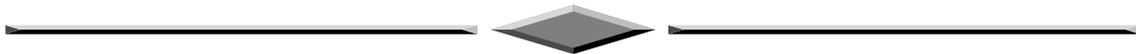
Request: To permit the onsite sales, service, and consumption of alcoholic beverages within an existing 3,000 sq. ft. restaurant and outdoor dining area.

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

Zone: CG (Commercial General)

General Plan: CG-F1 (Commercial General - Maximum 0.35 Floor Area Ratio)

Existing Use: Restaurant



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 no expansion of the existing restaurant use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-08:

1. Conditional Use Permit No. 12-08 to permit the sales, service and consumption of alcoholic beverages within an existing approximately 3,000 sq. ft. restaurant and 700 sq. ft. outdoor dining 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. The proposed alcohol sales and service and outdoor dining area will not generate noise, traffic, demand for parking, or other impacts above that which currently exists and inconsistent with the subject property's zoning. The restaurant will continue to serve food and beverages in conjunction with the proposed use. The 700 sq. ft. outdoor dining area will be located in front of the restaurant suite; and residential uses to the west, north, and south of the subject property are buffered from potential negative noise impacts by the building, landscaping, parking lot, and existing streets. The outdoor dining area will not block entrances to adjacent businesses.
2. The conditional use permit will be compatible with surrounding uses because the proposed use is located within an existing commercial development containing similar and complementary uses. The sales, service, and consumption of alcohol within the restaurant and outdoor dining area will be ancillary to the existing restaurant use. The proposed business hours are similar to other commercial uses within the vicinity. The restaurant is consistent with adjacent uses, which serve nearby residents and visitors.
3. Conditional Use Permit No. 12-08 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 outdoor dining area does not require additional parking beyond which already exists onsite. Alcohol sales, service and consumption is permitted within the CG (Commercial General) zoning district subject to the review and approval of a conditional use permit.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – Max 0.35 Floor Area Ratio). 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 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 visitors in the surrounding region. It will be located within an existing commercial development, which includes restaurant and retail uses. The restaurant with alcohol sales, service and consumption within the existing restaurant and outdoor dining area is not anticipated to result in negative impacts on surrounding uses. The outdoor dining area is sufficiently buffered from residential uses by the building, landscaping, parking lot, and streets. The ancillary use is not anticipated to impact surrounding noise-sensitive land uses.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-08:

1. The site plan received and dated May 7, 2012 shall be the conceptually approved design.
2. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning & Building Department for the entitlement file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. The use shall comply with the following:
 - a. All alcoholic beverages shall remain within the interior of the restaurant or within the confines of the outdoor dining area. **(PD)**
 - b. A sign shall be posted stating that alcoholic beverages are not allowed outside of the restaurant/patio area. **(PD)**
 - c. The hours of operation including the outdoor dining area shall be limited between 10:00 A.M and 12:00 A.M. daily.
 - d. Live entertainment and dancing shall be prohibited unless approved by a conditional use permit. **(PD)**
4. CUP No. 12-08 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 & Building Department a minimum 30 days prior to the expiration date.
5. The Director of Planning & Building ensures that all conditions of approval herein are complied with. The Director of Planning & Building shall be notified in writing of any changes to the conceptually approved plans. 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 Huntington Beach Zoning and Subdivision Ordinance.
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.