

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

**TO:** Zoning Administrator  
**FROM:** Kristi Rojas, Project Planner  
**DATE:** August 7, 2013

**SUBJECT: CONDITIONAL USE PERMIT NO. 13-017 (ACHIOTE GRILL ALCOHOL)**

**LOCATION:** 16691 Gothard Street, Suite K, 92647 (west of Gothard Street, between Heil and Warner Avenue)



**Applicant:** John Corcoran, 16691 Gothard Street, Suite K, Huntington Beach, CA 92647

**Property**

**Owner:** Gothard Business Center Associates, 3500 W. Orangewood Avenue, Orange, CA 92868

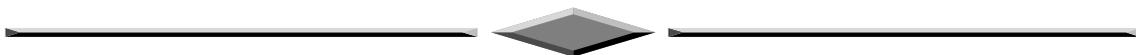
**Request:** To permit alcohol (beer and wine) sales, service, and consumption at an existing 1,034 sq. ft. eating and drinking establishment.

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

**Zone:** IG (Industrial General)

**General Plan:** I – F2 - d (Industrial - .50 FAR – Design Overlay)

**Existing Use:** Industrial



**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 no expansion in the overall floor area of the existing restaurant.

## **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-017:**

1. Conditional Use Permit No. 13-017 to permit an approximately 1,034 sq. ft. existing eating and drinking establishment with onsite sales, service and consumption of alcohol (beer and wine) located within an existing industrial complex 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 existing restaurant is surrounded by a majority of industrial uses as office and warehousing uses. The operation of the conditional use permit will occur entirely within the interior of the business and will be required to comply with conditions of approval pertaining to alcohol service and hours of operation. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties.
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. In addition, 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 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 I-F2-d (Industrial-0.50 FAR—Design Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
  - a. Goal LU 12: Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding sub region, and generate revenues for the City.
  - b. Policy LU 12.1.1: Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales area for manufacturers and photocopy stores), restaurants, financial institutions, and similar uses consistent with the Land Use and Density Schedules in the General Plan.

The conditional use permit will be consistent with the Land Use Element designation and will help to increase the economic viability of the existing eating and drinking establishment. The service of beer and wine is not anticipated to result in negative impacts on surrounding businesses and adjacent properties.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-017:**

1. The site plan, floor plans, and elevations received and July 5, 2013 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. The sales and consumption of alcoholic beverages shall be permitted between the following hours:
    - i. Monday – Sunday: 8:00 AM and 10:00 PM
  - b. Entertainment is not permitted. **(PD)**
  - c. Dancing is not permitted by anyone. **(PD)**
  - d. All alcoholic beverages shall remain within the interior of the restaurant per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
  - e. 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)**
  - f. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for offsite consumption shall be prohibited. **(PD)**
  - g. A sign shall be clearly posted identifying that alcoholic beverages are not allowed outside the confines of the restaurant. **(PD)**
  - h. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, no dining will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM the following day. **(PD)**
  - i. 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)**
  - j. No Happy Hour or reduced priced alcoholic beverage specials shall be offered after 7:00 PM. **(PD)**
3. CUP No. 13-017 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 Department a minimum 30 days prior to the expiration date.

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.