

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

**TO:** Zoning Administrator  
**FROM:** Jill Arabe, Assistant Planner  
**DATE:** August 17, 2011

**SUBJECT:** **COASTAL DEVELOPMENT PERMIT NO. 11-009/CONDITIONAL USE PERMIT NO. 11-015 (SLICE OF NEW YORK PIZZA RESTAURANT)**

**LOCATION:** 16821 Algonquin Street, Suite #101, 92649 (northwest corner of Davenport Drive and Algonquin Street – Huntington Harbour Mall)

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**Applicant:** Behrooz Sami, 142 B Main Street, Seal Beach, CA 90740

**Property**

**Owner:** D.D. Dunlap Companies, 16897 Algonquin Street, Huntington Beach, CA 92649

**Request:** **CDP:** To permit the conversion of an existing retail space into a new 2,080 sq. ft. restaurant with an approximately 380 sq. ft. outdoor dining area. **CUP:** To permit the onsite sales, service, and consumption of alcoholic beverages within a proposed restaurant and outdoor dining area.

**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 Maximum Floor Area Ratio)

**Existing Use:** Existing retail space

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**RECOMMENDATION:** Staff recommends approval with modifications 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. 11-009:**

1. Coastal Development Permit No. 11-009 to permit the conversion of existing retail space into a new 2,080 sq. ft. restaurant with 380 sq. ft. outdoor dining area 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 residents 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. 11-015:**

1. Conditional Use Permit No. 11-015 to permit the onsite sales, service, and consumption of alcoholic beverages within a proposed restaurant and 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 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 alcohol will be ancillary to the restaurant use. The proposed use will occur entirely within the restaurant and outdoor dining area and operate during business hours similar to other commercial uses within 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 alcohol sales is located within an existing commercial center, which conforms to applicable site development standards in terms of minimum on-site 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 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 service and retail 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. 11-009/CONDITIONAL USE PERMIT NO. 11-015:**

1. The site plan, floor plans, and elevations received and dated June 2, 2011, and July 26, 2011, shall be the conceptually approved design with the following modifications:
  - a. The floor plan shall depict no more than four coin operated game machines within the proposed game area. **(HBZSO Section 204.10.H)**
  - b. The outdoor dining area shall depict tables and seats.
2. The use shall comply with the following:

- a. The fenced patio area may be permitted as a patron smoking area in conjunction with the outdoor seating/dining.
  - b. Tables and seats shall be made available within the fenced patio area during hours of operation.
  - c. Food from the regular menu shall be made available during regular business hours up until at least one hour prior to the scheduled closing time. **(PD)**
  - d. A protective barrier along the perimeter of the outdoor dining area shall be maintained at all times. **(PD)**
  - e. Alcohol service and consumption shall be limited to the interior of the restaurant and within the confines of the fenced outdoor dining area. **(PD)**
  - f. No dining or consumption of alcoholic beverages shall be permitted in the outdoor dining area between the hours of 10:00 PM and 7:00 AM. **(PD)**
  - g. A sign shall be clearly posted identifying that alcoholic beverages are not allowed outside the restaurant and outdoor dining area. **(PD)**
  - h. All exterior doors will remain closed during business hours. **(PD)**
  - i. All areas to be utilized for the sales, service and consumption of alcoholic beverages shall be sufficiently illuminated to allow for the clear identification of patrons. **(PD)**
  - j. Dancing and entertainment without the approval of a conditional use permit shall be prohibited. **(PD)**
  - k. 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. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
  - l. The use conditions listed herein shall be clearly posted on the premises at all times.
3. CUP No. 11-015/ CDP No. 11-009 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.
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/index.cfm?fuseaction=guidelines>).

**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.