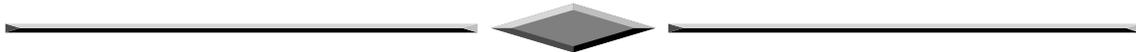


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: October 19, 2011

SUBJECT: CONDITIONAL USE PERMIT NO. 11-017 (MIKE THAI BROS. BISTRO ALCOHOL)

LOCATION: 8935 Atlanta Avenue, 92646 (northwest corner at Magnolia St.)



Applicant: Michael Cho, c/o Bernard & Associates, 3991 MacArthur Blvd., Suite No. 340, Newport Beach, CA 92660

Property Owner: 616 Imperial, LLC, 1050 E. Anaheim Street, Long Beach, CA 90813

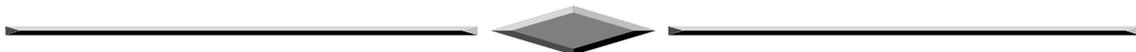
Request: To permit the onsite sales, service, and consumption of alcohol within an existing 1,200 sq. ft. eating and drinking establishment.

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

Zone: CG (Commercial General)

General Plan: CN – F1 (Commercial Neighborhood – 0.35 Max. Floor Area Ratio)

Existing Use: Eating and drinking establishment



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 in the overall floor area of an existing restaurant use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-017:

1. Conditional Use Permit No. 11-017 for the onsite sales, service, and consumption of alcohol within an existing 1,200 sq. ft. eating and drinking establishment 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 subject tenant space is located approximately 35 ft. from the nearest residential property to the north. Residential uses are buffered from the restaurant by a drive aisle, minimum 6 ft. high perimeter blockwall, and landscaping. The restaurant's entrance door is located along the south of the building facing the parking lot, which is oriented away from nearby residences. Alcohol consumption will be limited to the interior of the business and based upon the conditions imposed is not anticipated to generate additional noise, traffic, and safety impacts beyond which already exists in the surrounding area. No additional parking is required for the use. The proposed use will operate in conjunction with an eating and drinking establishment.
2. The conditional use permit will be compatible with surrounding uses because the onsite sales, service, and consumption of alcohol will be ancillary to an existing restaurant use and occur within the interior of the restaurant during business hours similar to other commercial uses within the vicinity. The restaurant is located within an existing multi-tenant commercial shopping center and consistent with adjacent uses, which serve 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 and complies with minimum on-site parking requirements. 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 objectives 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.

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 conditional use permit is ancillary to an existing restaurant use and will allow for the expansion of services to local residents and residents in the surrounding region. It is consistent with existing commercial uses in the center, which include service and retail uses. The restaurant is not anticipated to result in negative impacts on adjacent properties.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-017:

1. The site plan and floor plan received and dated July 29, 2011, 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. Sunday: 11:00 AM and 10:00 PM
 - ii. Monday–Saturday: 11:00 AM and 11:00 PM
 - b. All exterior doors shall be closed by 8:00 PM.
 - c. Food from the regular menu shall be available during regular business hours up until at least one hour prior to the scheduled closing time. **(PD)**
 - d. 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)**
 - e. A sign shall be clearly posted identifying that alcoholic beverages are not allowed outside the confines of the restaurant. **(PD)**
 - f. All alcoholic beverages shall be served in clearly identifiable and distinctive glasses, which are different from those containing non-alcoholic beverages. **(PD)**
 - g. 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)**
 - h. Dancing and entertainment without the approval of a conditional use permit shall be prohibited. **(PD)**
 - i. 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 and Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - j. The use conditions listed herein shall be clearly posted on the premises at all times.
3. CUP No. 2011-017 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 and Building Department a minimum 30 days prior to the expiration date.

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.