

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

TO: Zoning Administrator
FROM: Nicolle Bourgeois, Planning Aide
DATE: December 7, 2016

SUBJECT: CONDITIONAL USE PERMIT NO. 16-041 (GREEK RESTAURANT ALCOHOL)

LOCATION: 19171 Magnolia Street #1 and #2, 92647 (near the southwest corner of Magnolia St. and Garfield Ave.)



Applicant: James Sdrales, 5452 Commercial Drive, Huntington Beach, CA 92649

Property Owner: EFH-H Investments LLP., 40 Raven Lane, Aliso Viejo, CA 92656

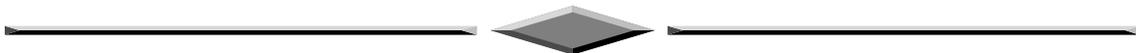
Request: To permit the on-site sales, service, and consumption of alcohol (ABC Type 47 license) within a proposed 2,400 sq. ft. restaurant located within an existing commercial center.

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 – 0.35 FAR)

Existing Use: Commercial



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 - CONDITIONAL USE PERMIT NO. 16-041:

1. Conditional Use Permit No. 16-041 to permit the on-site sales, services, and consumption of alcohol (ABC Type 47 license) within a proposed 2,400 sq. ft. restaurant located within an existing commercial center 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 sales, service and consumption of alcohol, 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 serve food and beverages in conjunction with the proposed use. All business activities will occur inside the restaurant.
2. Conditional Use Permit No. 16-041 to permit the on-site sales, services, and consumption of alcohol (ABC Type 47 license) within a proposed 2,400 sq. ft. restaurant located within an existing commercial center will be compatible with surrounding uses. The proposed restaurant is located within an existing multi-tenant commercial center and consistent with adjacent commercial uses, which serve nearby residents and visitors. The proposed tenant space fronts Magnolia Street and the nearest residential use is 100 feet to the east, buffered by Magnolia Street. Additionally, residential to the south is buffered from the proposed use by Langenbeck Park.
3. Conditional Use Permit No. 16-041 to permit to permit the on-site sales, services, and consumption of alcohol (ABC Type 47 license) within a proposed 2,400 sq. ft. restaurant located within an existing commercial center 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 (HBZSO). The HBZSO authorizes the sale, service, and consumption of alcohol at the subject property, subject to approval of a conditional use permit. The proposed restaurant with alcohol will be located within an existing commercial center which conforms to land use and applicable development standards.
4. The granting of Conditional Use Permit No. 16-041 to permit to permit the on-site sales, services, and consumption of alcohol (ABC Type 47 license) within a proposed 2,400 sq. ft. restaurant located within an existing commercial center will not adversely affect the General Plan. It is consistent with the General Plan land use designation of CG (Commercial General) and the objectives and policies of the General Plan as follows:

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.

The proposed use is compatible with the existing commercial uses in the center such as retail and restaurants. It provides for the sales and service of alcoholic beverages within the interior of the restaurant. The proposed use will not generate

significant impacts above existing conditions, based upon the conditions imposed on the conditional use permit.

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 place.

The proposed restaurant is offering the proposed use as an additional service to their patrons. The subject property is located along a primary corridor of the City that contains existing restaurants and retail uses. The proposed restaurant is within a shopping center that consists of commercial establishments with similar ancillary services. It will not adversely affect the operations of the existing use and surrounding uses based upon conditions imposed on the conditional use permit.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-041:

1. The site plan received and dated November 3, 2016 and floor plan received and dated October 13, 2016 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to between 11:30 AM and 10:00 PM every day of the week.
 - b. Prior to the sales, service, or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing On Sale Alcohol Sales. The business shall be limited to a Type 47 (On Sale Eating Place) ABC license. All conditions contained in the ABC license shall be adhered to. **(PD)**
 - c. Live Entertainment shall not be permitted unless a Conditional Use Permit for this specific use is reviewed and approved and a valid Entertainment Permit issued by the Huntington Beach the Police Department. **(PD)**
 - d. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available to the public until at least one hour prior to the scheduled closing time. **(PD)**
 - e. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
 - f. All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business. **(PD)**
 - g. No new customers shall be permitted after 30 minutes before closing. **(PD)**
 - h. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**

- i. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
 - j. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
 - k. All alcoholic beverages shall remain within the interior of the restaurant and bar, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). **(PD)**
 - l. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
 - m. Signage, posters, and advertising with “Do Not Drink and Drive” shall be posted in the business. **(PD)**
 - n. Signs shall be posted in a conspicuous space at the entrance/exit of the restaurant, which shall state, “NO ALCOHOLIC BEVERAGES BEYOND THIS POINT.” **(PD)**
 - o. 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)**
 - p. All persons engaged in the sale or service of alcohol shall complete a mandatory Responsible Beverage Service (RBS) training and certification. This 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)**
 - q. The establishment shall employ a video surveillance security system and a one-month video library. The minimum requirements for the cameras shall be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
 - r. All owners, employees, representatives, and agents shall 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)**
3. CUP No. 16-041 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.

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.