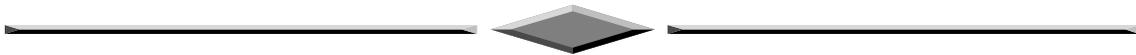


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jessica Bui, Assistant Planner
DATE: December 7, 2016

SUBJECT: CONDITIONAL USE PERMIT NO. 16-040 (SESSIONS BEER AND WINE)

LOCATION: 414 Pacific Coast Highway, 92648 (north side of Pacific Coast Hwy. and south of 5th St.)



Applicant: Matt Meddock, 2823 Newport Boulevard, Newport Beach, CA 92663

Property Owner: Greg Pilette, 20151 Big Bend Lane, Huntington Beach, CA 92646

Request: To permit the on-site sale, service, and consumption of beer and wine (ABC Type 41 License) within an existing approximately 1,295 sq. ft. restaurant.

Environmental Status: This request is covered by Categorical Exemption, Section 15304, Class 4, California Environmental Quality Act.

Zone: SP5 - CZ (Downtown Specific Plan – Coastal Zone Overlay)

General Plan: MV – F12 – sp – pd (Mixed Use Vertical – 3.0(MU) – 3.0(C)/30 du/acre – Specific Plan Overlay – Pedestrian Overlay)

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 consists of no expansion of the existing restaurant use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-040:

1. Conditional Use Permit No. 16-040 to permit the sales, service, and consumption of beer and wine in conjunction with an existing 1,295 sq. ft. restaurant 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 beer and wine, as conditioned, will not generate noise, traffic, demand for parking or other impacts as the use will remain primarily a restaurant and shall continue to serve food and the sales, service, and consumption of beer and wine will be an ancillary part of the restaurant use.
2. The conditional use permit will be compatible with surrounding uses because the subject suite is located within the Downtown Specific Plan which allows for a mix of land uses which include commercial, office, and restaurant uses. The proposed sales, service, and consumption of beer and wine in conjunction with an existing 1,295 sq. ft. restaurant is consistent with the existing land use pattern and is compatible with the adjacent properties. As conditioned, the use will be required to operate with specific hours of operation and dancing or live entertainment is prohibited which will ensure that the use will be compatible with the surrounding uses.
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, the use is also subject to the conditions of approval set forth in Resolution No. 2013-24 as the project site is located within District 1 of the Downtown Specific Plan which requires specific operating conditions. The proposed project, as conditioned, complies with the provisions within District 1 of the Downtown Specific Plan and other applicable provisions such as the hours of operation required by Resolution No. 2013-24 which limits hours between 7:00AM to 12:00AM as the restaurant will only operate between 7:00AM to 9:00PM. Furthermore, there is no physical expansion to the existing restaurant and complies with all previously approved standards such as parking requirements and setbacks.
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 MV-F12-sp-pd (Mixed Use Vertical – 1.5(MU) – 1.5(C)/15 du/ac – Specific Plan Overlay – Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Goal LU 7: Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2: Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed sales, service, and consumption of beer and wine in conjunction with an existing 1,295 sq. ft. restaurant increases the economic viability of the establishment by offering an additional service to an existing business. The expansion of services captures and enhances visitor and tourist activity within the downtown. Additionally, the site is centrally located in a mixed-use district of the downtown area and adjacent to the City beach and is within walking distance of several public parking facilities as well as residential uses; thus, reducing the need for vehicular travel for this type of expanded service for visitors and tourists.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-040:

1. The site plan, floor plans, and elevations received and dated September 29, 2016 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Restaurant business hours shall be limited to between 7:00 AM to 12:00 AM midnight. **(Resolution No. 2013-24)**
 - b. A minimum of 70 percent of the net floor areas of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas. **(Resolution No. 2013-24)**
 - c. Full food service menus shall be served, at a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times. **(Resolution No. 2013-24)**
 - d. Alcoholic drinks shall not be included in the price of admission to any establishment. **(Resolution No. 2013-24)**
 - e. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(Resolution No. 2013-24)**
 - f. All alcohol shall remain on the establishment's premises. **(Resolution No. 2013-24)**
 - g. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(Resolution No. 2013-24)**
 - h. 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. **(Resolution No. 2013-24)**

- i. Dancing and/or dance floor and/or live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City. **(Resolution No. 2013-24)**
- j. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(Resolution No. 2013-24)**
- k. The establishment shall follow all conditions of the alcohol license issued by the California Department of Alcoholic Beverage Control, as well as all other relevant portions of the Huntington Beach Zoning and Subdivision Ordinance and Huntington Beach Municipal Code. **(Resolution No. 2013-24)**
- l. No new customers shall be permitted after 30 minutes before closing. **(Resolution No. 2013-24)**
- m. Last call for drinks shall be no later than 15 minutes before closing. **(Resolution No. 2013-24)**
- n. Signage, posters, and advertizing with “Do Not Drink and Drive” shall be posted in the business. **(Resolution No. 2013-24)**
- o. 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)**
- p. 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)**
- q. Mandatory Responsible Beverage Service (RBS) training and certification 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. **(Resolution No. 2013-24)**
- r. Establishments shall install and maintain a video surveillance system to monitor public area of premises and shall make the video available to the police department for any criminal or civil investigation. **(Resolution No. 2013-24)**
- s. Prior to sales, service, or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing alcohol use in the restaurant. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License. **(PD)**
- t. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- u. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- v. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**

- w. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
 - x. 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)**
 - y. 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. 16-040 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.
 5. 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.