

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

**TO:** Zoning Administrator  
**FROM:** Tess Nguyen, Associate Planner  
**DATE:** June 1, 2011

**SUBJECT: ENTITLEMENT PLAN AMENDMENT NO. 11-003 (CUCINA ALESSA  
OUTDOOR DINING – AMENDMENT TO USE PERMIT NO. 92-065)**

**LOCATION:** 520 Main Street, 92648 (northeast corner of Main Street and Sixth Street)

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**Applicant:** Mike Adams, Michael C. Adams Associates, P.O. Box 382, Huntington Beach, CA 92648

**Property Owner:** Alessandro Pirozzi, 520 Main Street, Huntington Beach, CA 92648

**Request:** To permit modifications to the operations of an existing restaurant's outdoor dining area as approved by Use Permit No. 92-065. The modifications include requests to (a) allow for the consumption of alcohol within the outdoor dining area; (b) permit the outdoor dining space to include a maximum total of ten (10) tables at an overall size of 400 sq. ft; (c) modify the approved outdoor dining operating hours to between 7:00 AM and 10:00 PM; and (d) remove Condition of Approval No. 3(c) requiring an equivalent number of tables/seats be closed on the restaurant's second floor during times the outdoor dining area is in operation.

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

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

**General Plan:** M- F11/25-sp-pd (Mixed Use – 2.0 Floor Area Ratio Mixed Use/2.0 Floor Area Ratio (Commercial)/25 du/ac -- Specific Plan Overlay—Pedestrian Overlay)

**Existing Use:** Restaurant

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**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 the operation and minor alteration to an existing commercial structure involving negligible expansion of an existing use.

**SUGGESTED FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 11-003:**

1. Entitlement Plan Amendment No. 11-003 for modifications to the operations of an existing restaurant's outdoor dining area located within District 6 – Mixed Use of the Downtown Specific Plan as approved by Use Permit No. 92-065 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 modifications include requests to (a) allow for the consumption of alcohol within the outdoor dining area; (b) permit the outdoor dining space to include a maximum total of ten (10) tables at an overall size of 400 sq. ft; (c) modify the approved outdoor dining operating hours to between 7:00 AM and 10:00 PM; and (d) remove Condition of Approval No. 3(c) requiring an equivalent number of tables/seats be closed on the restaurant's second floor during times the outdoor dining area is in operation. The proposed use will not create adverse noise, traffic, safety, or other impacts to the surrounding businesses and residents at levels inconsistent with the mixed use zoning applicable to the subject property. The expanded outdoor dining and extended hours of operation will enhance the use and provide enjoyment for patrons of the restaurant. In addition, the project will comply with City Council Resolution No. 2011-16, standard conditions for approval for eating and drinking establishments with alcoholic beverage sales.
2. The proposed sales and service of alcoholic beverages within an existing outdoor dining area, expansion of the outdoor dining area, and extension of the hours of operation will be compatible with surrounding uses because it is proposed in a Specific Plan area designated for mixed-use pedestrian-oriented development. The restaurant is surrounded by commercial, office, and residential uses and therefore will be consistent with existing land use pattern and compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to alcohol service and hours of operation to assure that any potential impacts to the surrounding properties are minimized. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties.
3. The proposed sales and service of alcoholic beverages within an existing outdoor dining area, expansion of the outdoor dining area, and extension of the hours of operation 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 and 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 entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use Vertical on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

A. Land Use Element

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.

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

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 use is consistent with the Land Use Density Schedules for the Downtown and increases the economic viability of the establishment by offering the sales and service of alcoholic beverages to accommodate the entertainment and recreation needs of residents and visitors. This expansion of services and increased outdoor dining area will capture visitor and tourist activity within the downtown and further stimulate pedestrian activity along Main Street. The site is located in a mixed-use district of the downtown area and within walking distance of several downtown-parking facilities as well residential uses thus reducing the need for automobile use.

B. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences.

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed use will promote commercial establishments in the Downtown and will expand the available visitor-serving commercial uses within the Coastal Zone.

**SUGGESTED CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 11-003:**

1. The site plan, floor plans, and elevations received and dated March 31, 2011 shall be the conceptually approved design.
2. 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 Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

3. The use shall comply with the following:
  - a. Hours of operation of the outdoor dining area shall be limited to between 7:00 AM and 10:00 PM everyday. **(PD)**
  - b. 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. 2011-16)**
  - c. Alcoholic drinks shall not be included in the price of admission to any establishment. **(Resolution No. 2011-16)**
  - d. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(Resolution No. 2011-16)**
  - e. All alcohol shall remain on the establishment's premises, including within outdoor dining areas. **(Resolution No. 2011-16)**
  - f. Service of alcoholic beverages for consumption off-site shall be prohibited. **(PD)**
  - g. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(Resolution No. 2011-16)**
  - 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. 2011-16)**
  - 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. 2011-16)**
  - j. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(Resolution No. 2011-16)**
  - 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. 2011-16)**
  - l. A sign shall be clearly posted prohibiting alcoholic beverages outside of the outdoor dining area and including the outdoor dining area hours of operation. **(PD)**
  - m. The operator of the establishment shall take reasonable measures to prohibit and prevent patrons from blocking the sidewalk around the business at any time. **(PD)**
  - n. All employees shall complete an ABC approved training class within 30 days of being hired and they shall complete the program every 12 months thereafter. **(PD)**

- o. All exterior doors shall remain closed during business hours. **(PD)**
- 4. The proposed dining area cannot be occupied until the following has been completed:
  - a. The existing news racks shall be relocated easterly along 5<sup>th</sup> Street. The sidewalk where the existing news racks are to be removed shall be removed and replaced with per Public Works Standard Plan No. 207 unless the subject sidewalk area is repaired to the satisfaction of the City Engineer.
  - b. A License Agreement and Maintenance Agreement, including use fees, shall be obtained from the City for outdoor dining located in a public access easement. The applicant shall apply for and obtain approval of the License and Maintenance Agreement from the Public works Director prior to improvements or use of public easement.
- 5. All other conditions of approval required under Conditional Use Permit No. 89-50 and Use Permit No. 92-065 shall remain valid.
- 6. 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 Planning and Building 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
- 7. Entitlement Plan Amendment No. 11-003 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.
- 8. 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.