

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-8 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, JANUARY 6, 2016 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Jill Arabe, Ethan Edwards, Judy Demers

**MINUTES:** June 3, 2015  
June 17, 2015

**APPROVED AS SUBMITTED**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: CONDITIONAL USE PERMIT NO. 15-063 (LONGBOARD LIVE ENTERTAINMENT AND OUTDOOR DINING ALCOHOL)**

**APPLICANT:** Longboard Restaurant & Pub, Bruce Milliken and Ron McLin, 14892 Springdale St., Huntington Beach, CA 92647

**PROPERTY OWNER:** O'Brien Family Trust & Meyer Family Trust, 1586 Conifer Ridge Lane, Prescott, AZ 86303

**REQUEST:** To permit the establishment of (a) live entertainment consisting of a disc jockey and a band (max. four members) within the interior of an existing 2,950 sq. ft. restaurant, and (b) the sales, service, and consumption of alcoholic beverages within an approximately 500 sq. ft. ancillary outdoor dining area.

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

**LOCATION:** 14892 Springdale St., 92647 (east side of Springdale St., north of Bolsa Ave.)

**CITY CONTACT:** Jill Arabe

Jill Arabe, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Ms. Arabe noted that a resident sent an email and called regarding the proposed project. The resident was satisfied with the staff recommended requirements.

Ricky Ramos, Zoning Administrator, verified the location of the ADA access.

**THE PUBLIC HEARING WAS OPENED.**

Bruce Milliken, applicant, stated that he had no comments or concerns with the staff's recommendations.

Robert Costa, resident, stated that he had concerns with the proposed patio allowing smoking.

A brief discussion took place regarding the possible location of a non-smoking patio area and a smoking area.

**THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 15-063 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**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 interior alterations with negligible expansion of an existing use.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-063:**

1. Conditional Use Permit No. 15-063 to permit the establishment of (a) live entertainment consisting of a disc jockey and a band (max. four members) within the interior of an existing 2,950 sq. ft. restaurant, and (b) the sales, service, and consumption of alcoholic beverages within an approximately 500 sq. ft. ancillary 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 use of live entertainment and alcohol is ancillary to an existing restaurant business. Live entertainment is proposed to occur within the interior of the building, while alcohol service and consumption are proposed within an outdoor dining area adjacent to the storefront of the restaurant. The outdoor dining area is oriented towards the parking lot and Springdale Street and will be surrounded by a 36 in. high wrought iron fence. Considering the restaurant's close proximity to residential uses to the north, the outdoor dining area will be setback more than 10 ft. from the north property line. Additionally, an existing eight-foot high blockwall is located on the north and east property lines, which will reduce potential noise impacts associated with the restaurant use. The use is not anticipated to generate additional noise, traffic, or parking impacts detrimental to the surrounding properties. Sufficient parking is provided onsite based upon the existing commercial uses. Live entertainment and the sale of (full service) alcohol for onsite consumption within the outdoor dining area will contribute to the viability of the restaurant by attracting customers and generating lease revenue, thus improving the value of property in the neighborhood.
2. The establishment of (a) live entertainment consisting of a disc jockey and a band (max. four members) within the interior of an existing 2,950 sq. ft. restaurant, and (b) the sales, service, and consumption of alcoholic beverages within an approximately 500 sq. ft. ancillary outdoor dining area will be compatible with surrounding uses because it will operate ancillary to the existing restaurant use and activities will primarily occur within the interior of the building. Although alcohol consumption is proposed within an outdoor dining area, outdoor dining will not be permitted between the hours of 10:00 p.m. and 9:00 a.m. to

minimize potential noise and safety impacts during late night/early times. The restaurant is located within an existing multi-tenant commercial center and consistent with adjacent commercial uses, which serve nearby residents and visitors. Residential uses are located adjacent to the north and east of the site. The closest residential dwelling is approximately 25 ft. from the subject building and is separated by an existing eight-foot high block wall. The restaurant's entrance door is oriented to the parking lot and Springdale Street and away from residential uses. As conditioned, entertainment hours will not occur past 1:00 a.m. (Friday/Saturday) and 12:00 a.m. (Monday-Thursday) consistent with restaurant hours. The use will be subject to noise regulations to ensure compatibility with 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 (HBZSO) and any specific condition on the project. The HBZSO authorizes live entertainment and alcohol at the subject property, subject to approval of a conditional use permit. The restaurant with live entertainment and alcohol will be located within an existing commercial center which conforms to land use and applicable development standards.
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 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, 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 eating and drinking establishments. It provides for live entertainment within the interior of the restaurant and alcohol consumption in the outdoor dining area. The proposed use will not generate significant impacts above existing conditions, based upon the conditions imposed on the conditional use permit and entertainment 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 project is located along a primary arterial of the City that contains existing restaurants and retail uses. The proposed use will serve to strengthen the existing business and commercial center.

C. Noise Element

Objective N 1.8: Minimize the generation of excessive noise level impacts from entertainment and restaurant/bar establishments into adjacent residential or "noise sensitive" land uses.

The proposed use will primarily occur within the interior of the restaurant, except for the outdoor dining area which will permit alcohol service and consumption. However, use of the outdoor dining area is conditioned to be prohibited between the hours of 10:00 p.m. and 9:00 a.m. to minimize potential noise and safety impacts. Additionally, doors will remain closed during entertainment hours. Hours of operation for the proposed use will not exceed restaurant hours, which close at 1:00 a.m. (Friday/Saturday) and 12:00 a.m. (Monday-Thursday) consistent with other commercial uses.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-063:**


1. The site plan, floor plans, and elevations received and dated October 26, 2015 shall be the conceptually approved design with the modification that the outdoor dining area shall be revised to approximately 500 sq. ft. and situated between the existing four columns in front of the restaurant.
2. Prior to the sales, service, or consumption of alcoholic beverages within the outdoor dining area, the business shall obtain an ABC License authorizing alcohol use in the outdoor dining. The business shall be limited to a Type 47 (On Sale General for Bona Fide Public Eating Place) ABC License.
3. Prior to commencement of live entertainment, the business shall obtain an Entertainment Permit from the Huntington Beach Police Department. All conditions contained in the Entertainment Permit shall be adhered to.
4. The use shall comply with the following:
  - a. All exterior doors shall remain closed during hours of entertainment, except in cases of emergency.
  - b. 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)**
  - c. Outdoor patio hours of operation shall be between the hours of 9:00 a.m. and 10:00 p.m. daily. **(PD)**
  - d. Entertainment is prohibited on the outdoor patio. **(PD)**
  - e. The live performer(s) shall not block or impede any means of egress. **(PD)**
  - f. An employee of the establishment must monitor the patio at all times when alcohol is served. **(PD)**
  - g. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
  - h. No patron shall be permitted to carry an alcoholic beverage from inside the restaurant to the patio area, nor from the patio area to inside the restaurant. **(PD)**
  - i. All alcohol shall remain on the establishment's premises, including within the outdoor dining area. **(PD)**
  - j. Food service from the regular menu must be available to patrons up to one hour before the scheduled closing time. **(PD)**
  - k. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m. **(PD)**

- i. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
  - m. 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. **(PD)**
  - n. The use conditions listed herein and the Entertainment Permit conditions shall be clearly posted on the premises at all times.
5. CUP No. 15-063 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.
6. The Development Services Departments and divisions (Community Development, Fire, 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.

**THE MEETING WAS ADJOURNED AT 1:39 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JANUARY 20, 2016, AT 1:30 P. M.**

  
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Ricky Ramos  
Zoning Administrator

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