

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

**WEDNESDAY, JUNE 1, 2011 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Tess Nguyen, Andrew Gonzales, Judy Demers (recording secretary)

**MINUTES:** **NONE**

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

**ITEM 1: ENTITLEMENT PLAN AMENDMENT NO. 11-003 (CUCINA ALESSA OUTDOOR DINING – AMENDMENT TO CONDITIONAL USE PERMIT NO. 92-065)**

**APPLICANT:** Mike Adams, Michael C. Adams Associates  
**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 Conditional 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.  
**LOCATION:** 520 Main Street, 92648 (northeast corner of Main Street and Sixth Street)  
**PROJECT PLANNER:** Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ms. Nguyen stated that she had received two letters opposing the project citing concerns with potential increases in noise, criminal activity related to alcohol consumption, the concentration of establishments serving alcohol in the downtown area, traffic, and parking.

Ricky Ramos, Zoning Administrator, stated that code requires a 36 in. rail around the patio as well as an eight foot pedestrian passage between the patio and curb. Mr. Ramos noted the rail

location on the plan and asked if staff had verified that an eight foot pedestrian passage is provided between the patio area and the curb.

Ms. Nguyen stated that most of the patio area would be in compliance. There is a utility box within part of the passage, however, the tables could be arranged in a manner to comply with code.

**THE PUBLIC HEARING WAS OPENED.**

Mike Adams, applicant, stated that he has concerns with staff's recommended conditions being modified after receiving a zoning letter in February with conditions listed. He stated that the eight foot pedestrian passage was not in the zoning letter and instead it listed a six foot pedestrian passage requirement. He requested the City maintain the original conditions. He stated he is concerned with the timing of the removal of the newspaper racks, which would impact the ability to have full use of the patio area. He requested the ability to utilize the front patio area and have the condition apply to the area adjacent to the newspaper racks. He also requested that Condition No. 3(a), which addresses the sidewalk replacement, to include the words if necessary.

Alessandro Pirozzi, owner of Cucina Alessa, spoke in support of the item. He explained that allowing alcohol service within the patio area provides an additional customer oriented service. He noted that his establishment is a restaurant not a bar.

Mike Morello, 8888 Lauderdale Court, spoke in support of the proposed item. He cited that he's a frequent visitor of the restaurant and would like to have a meal on the patio with an adult beverage. He noted that Cucina Alessa is not like the restaurants on the first two blocks of Main Street.

Eddie Di Rusio, a resident of Newport Beach, spoke in support of the proposed item. He noted that he's a frequent visitor of the restaurant in Newport Beach and Huntington Beach. He stated that this is a fine dining restaurant.

Matthew Brady, 315 3<sup>rd</sup> Street, spoke in support of the proposed item. He and his wife are frequent customers of the restaurant and noted the restaurant's family atmosphere. He noted that Cucina Alessa is not like the restaurants on the first two blocks of Main Street.

Joe Rodriguez, a resident of Newport Beach, reiterated that this restaurant is a fine dining establishment. Its clientele are older and tend to be family oriented rather than party oriented.

Randy Kline, 19861 Saltwater, spoke in support of the proposed item. He stated that the restaurant has a family atmosphere and is unlike the bars in the downtown area. He and his wife are frequent customers of the restaurant and are comfortable taking their toddler.

Ted Bayko, a resident of Aliso Viejo, spoke in support of the proposed item. He is a frequent visitor of the restaurant in Newport Beach and a personal friend of the applicant. He stated that the restaurant is a fine dining establishment. He stated that it is a place where families can go. It does not maintain a party atmosphere.

Babek Sun, a resident of Newport Beach, spoke in support of the proposed item. He stated that it is a fine dining establishment and allowing alcohol service in the outdoor patio area will allow the restaurant to bring more of an Italian ambience to the restaurant.

Mike Krepistuitn, resident, spoke in support of the proposed item. He noted that he has been a resident of Huntington Beach for 40 years and believes that this restaurant is a good addition to the area. He stated it is a fine dining establishment not a bar.

Suzanne Hart, 419 6<sup>th</sup> Street, stated that she has concerns with the proposed item. She expressed concern regarding potential increases in noise, traffic, and intoxicated individuals in the area.

Renee Cole, employee of the Cuccina Alessa, stated that the restaurants clientele is classy. The patrons of the restaurant are not there to party, they are there to enjoy the fine dining ambiance.

Rod Fresch, resident, spoke in support of the proposed item. He noted that the restaurant has a different atmosphere than other downtown establishments.

Jeannette Seemann, 416 10<sup>th</sup> Street, spoke in support of the proposed item. She stated that Cucina Alessa is a very nice restaurant that she enjoys taking her clients to. She would be extremely reluctant to take her clients to any of the establishments in the first two blocks of Main Street.

Yves Siesler, an employee of Cucina Alessa, explained that the restaurant policy is not to serve individuals who appear to be intoxicated.

Jim Bergman, 20932 Sailmaker Circle, spoke in support of the proposed item. He stated that Cucina Alessa is a very nice restaurant. He stated that he avoids the first two blocks of Main Street with the exception of the Sugar Shack.

Derek Tran, a Newport Beach resident, stated that Cucina Alessa is a great start to the ongoing development in Huntington Beach. He believes that this restaurant is a great addition to the City and fits in with the concept of fine dining restaurants.

Daniela Smith, 8136 Deerfield Drive, spoke in support of the proposed item. She stated that she takes clients to this restaurant and they are pleased with the establishment. She stated that she's not comfortable taking her clients to the establishments in the first two blocks of Main Street.

Mike Hackum, a resident of Fountain Valley, spoke in support of the proposed item. He believes that residents in Huntington Beach desire fine dining locations and that this establishment fills that demand. He believes Huntington Beach is headed in a positive direction but needs to incorporate more fine dining like Cucina Alessa.

Celeste Hamil, 315 Third Street, Unit E, spoke in support of the proposed item. She stated that Huntington Beach is in need of fine dining establishments like the subject restaurant.

Mr. Adams stated that he would like to clarify the request to modify Condition No. 3(e) to remove the maximum number of tables allowed. The applicant would like to note that table sizes vary and he will not exceed the approved boundaries.

Mr. Adams also stated that he does not believe that adding alcohol to the outdoor area warrants the need for the 8 foot pedestrian passageway.

Mr. Ramos explained that the pedestrian passageway is a code requirement which he does not have the authority to change.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED**

Mr. Ramos briefly explained the findings needed to approve this project. He went on to state that based on the information provided, he would approve the request as recommended by staff.

**ENTITLEMENT PLAN AMENDMENT NO. 11-003 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 the operation and minor alteration to an existing commercial structure involving negligible expansion of an existing use.

**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. Furthermore, the outdoor dining area will not restrict the public's use of the sidewalk or inhibit pedestrian traffic volumes because the project is conditioned to provide an 8-foot clear passage area between the outdoor dining area fencing and the curb for pedestrian access. The location of the outdoor dining area will not obstruct building entryways. The project is also required to provide a 36-inch clearance in the outdoor dining area for handicapped accessibility.
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. 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 and other 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 expand the available visitor-serving commercial uses within the Coastal Zone.

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

1. The site plan received and dated March 31, 2011 shall be the conceptually approved design with the following modifications:
  - a. The site plan shall be revised to be drawn to scale with accurate dimensions.
  - b. Provide accurate dimensions of the distance between the outdoor dining areas and all physical features (traffic signal devices, bollards, signal control box, etc.) within the public right-of-way.
  - c. Provide accurate dimensions of the outdoor dining area.
  - d. Depict the size of the tables in the outdoor dining areas and the required 36-inch clearance for ADA accessibility between the outdoor dining area fencing and the tables/chairs. **(2010 CBC Section 1133.B.6)**
  - e. Depict the required 8-foot clear passage area for pedestrian access between the outdoor dining area fencing and the curb. **(DTSP Section 4.2.29(iv))**
2. Prior to the installation of the outdoor dining area fencing and commencement of the use, a copy of the revised site plan modified in accordance with Condition of Approval No. 1 shall be submitted to the Planning and Building Department for review and inclusion in the entitlement file.
3. The proposed outdoor dining area cannot be occupied until the following have been completed:
  - a. The existing news racks shall be relocated easterly along 5<sup>th</sup> Street before the fencing for the outdoor dining area adjacent to the news racks is installed. The sidewalk where the existing news racks are to be removed shall be removed and replaced if necessary with per Public Works Standard Plan No. 207 unless the subject sidewalk area is repaired to the satisfaction of the City Engineer. **(PW)**

- 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. **(DTSP Section 4.2.29(iv))**
4. 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 Division for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
5. The use shall comply with the following:
  - a. Hours of operation of the outdoor dining area shall be limited to between 8:00 AM and 10:00 PM everyday. **(PD)** All tables, chairs, and other appurtenances shall be completely removed from the outdoor dining area by 10:30 PM daily.
  - 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)**
  - p. A minimum of 36-inch clearance shall be maintained for ADA accessibility between the outdoor dining area fencing and the tables and chairs. **(2010 CBC Section 1133.B.6)**
  - q. A minimum of 8-foot clear passage area for pedestrian access shall be maintained between the outdoor dining area fencing and the curb. **(DTSP Section 4.2.29(iv))**
6. All other conditions of approval required under Conditional Use Permit No. 89-50 and Use Permit No. 92-065 shall remain valid except as modified herein.
  7. 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 Zoning Administrator 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.
  8. 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.
  9. 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.

**THE MEETING WAS ADJOURNED AT 2:36 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JUNE 15, 2011, AT 1:30 PM.**



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Ricky Ramos  
Zoning Administrator

RR:jd

