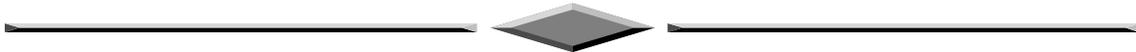


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Ethan Edwards, Associate Planner  
**DATE:** May 6, 2015  
**SUBJECT:** **CONDITIONAL USE PERMIT NO. 15-003 (MOD PIZZA ALCOHOL)**  
**LOCATION:** 7051 Yorktown Avenue, Unit 103 (NW corner of Main St. & Yorktown Ave.)



**Applicant:** Alcoholic Beverage Consulting, Steve Rawlings, 26023 Jefferson Avenue, Suite D, Murrieta, CA 92562

**Property**

**Owner:** Seacliff Village Shopping Center, Inc., c/o Vestar, 2437 Park Avenue, Tustin, CA 92782

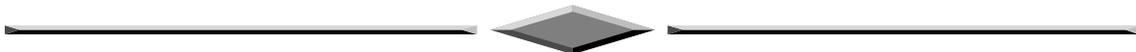
**Request:** To permit the sale, service and consumption of alcohol (Type 41) within an eating and drinking establishment.

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

**Zone:** Holly Seacliff Specific Plan (SP9)

**General Plan:** Mixed Use Horizontal – Specific Plan Overlay (MH-sp)

**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 permitting alcohol sales with no expansion in the overall floor area of the existing commercial building.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-003:**

1. Conditional Use Permit No. 15-003 to permit onsite sales, service and consumption of alcohol (beer and wine) at an approximately 2,669 sq. ft. eating and drinking establishment 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 restaurant is located within the interior of a commercial center and more than 500 feet from the nearest residential use. The proposed alcohol sales and service, 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.
2. The onsite sales, service, and consumption of alcohol (beer and wine) will be compatible with surrounding uses because the subject tenant suite is located within a Specific Plan area designated for mixed development that provides for a variety of uses and is surrounded by a majority of commercial uses such as restaurant, office, and retail. Alcohol sales, service, and consumption will only occur within the interior of the business and will be required to comply with conditions of approval pertaining to alcohol service and hours of operation. Additionally, the use is subject to noise regulations to further ensure the compatibility with surrounding properties.
3. The proposed onsite sales, service and consumption of alcohol (beer and wine) 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. 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. The proposed use is subject to the review and approval of a conditional use permit.
4. The granting of onsite sales, service and consumption of alcohol (beer and wine) will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use Horizontal on the subject property. In addition, it is consistent with the following goal, objective and policies of the General Plan:

A. Land Use Element

Goal LU 10: Achieve the development of a range of commercial uses.

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, service 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.

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 area.

The proposed use will help to increase the economic viability of the eating and drinking establishment while providing an additional service to local residents and residents in the nearby region. The subject shopping center currently features large outdoor dining areas located nearby on the property that are utilized by customers of multiple businesses. To minimize potential impacts, alcohol is not permitted outside of the restaurant, as required by the Huntington Beach Police Department. The proposed use, as conditioned, is not anticipated to result in negative impacts on surrounding businesses and adjacent properties.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-003:**

1. The site plan and floor plans received and dated March 13, 2015 shall be the conceptually approved design.
2. The hours of operation shall be limited to between 9:00 AM and 11:00 PM every day of the week.
3. The use shall comply with the following:
  - a. Prior to the 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)**
  - b. All alcoholic beverages shall remain within the interior of the restaurant per Section 9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posed stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
  - c. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
  - d. No "happy hour" or reduced price alcoholic beverages shall be allowed at any time. **(PD)**
  - e. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
  - f. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time. **(PD)**
  - g. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**
  - h. Dancing and live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City. **(PD)**
  - i. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will 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 shall 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. **(PD)**
  - j. All areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**

- k. 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)**
  - l. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel shall be prohibited. **(PD)**
  - m. Signage, posters, and advertising with “Do Not Drink and Drive” shall be posted within the business. **(PD)**
  - n. 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)**
4. CUP No. 15-003 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.
  5. 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’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.
  6. 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.