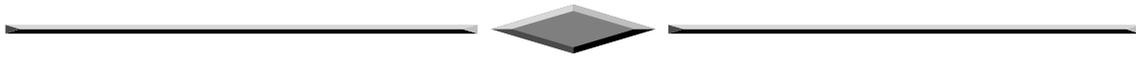


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Joanna Cortez, Assistant Planner
DATE: September 3, 2014

SUBJECT: CONDITIONAL USE PERMIT NO. 14-012 (MY PLACE SPORTS BAR & GRILL OUTDOOR DINING)

LOCATION: 5452 Commercial Drive, 92649 (southwest corner of Commercial Drive and Graham Street)



Applicant: Jim Sdrales, 5452 Commercial Drive, Huntington Beach, CA 92649

Property Owner: Maria Bizakis, 518 S. Laureltree Drive, Anaheim, CA 92808

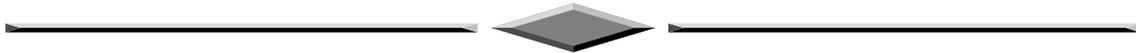
Request: To permit the establishment of a 400 sq. ft. outdoor dining area with on-site consumption of beer and wine in conjunction with an existing restaurant.

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

Zone: IL (Limited Industrial)

General Plan: I-F2-d (Industrial >0.50 – Design 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 minor alterations to an existing commercial building involving no expansion in the overall floor area of the existing restaurant.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-012:

1. Conditional Use Permit No. 14-012 to permit onsite sales, service and consumption of alcohol (beer and wine) within a proposed 400 sq. ft. outdoor dining area in conjunction to an existing 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 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 continue to serve food and beverages in conjunction with the proposed use.
2. The onsite sales, service and consumption of alcohol (beer and wine) within a proposed 400 sq. ft. outdoor dining area will be compatible with surrounding uses because the existing restaurant is surrounded by a majority of industrial uses as office and warehousing uses. The operation of the proposed alcohol sales within the proposed 400 sq. ft. outdoor dining area 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 compatibility with surrounding properties.
3. The onsite sales, service and consumption of alcohol (beer and wine) within a proposed 400 sq. ft. outdoor dining area 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 onsite sales, service and consumption of alcohol (beer and wine) within a proposed 400 sq. ft. outdoor dining area will not adversely affect the General Plan. It is consistent with the Land Use Element designation of I-F2-d (Industrial-0.50 FAR—Design Overlay) on the subject property. In addition, it is consistent with the following goal and policy of the General Plan:

Land Use Element

Goal LU 12: Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding sub region, and generate revenues for the City.

Policy LU 12.1.1: Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales area for manufacturers and photocopy stores), restaurants, financial institutions, and similar uses consistent with the Land Use and Density Schedules in the General Plan.

The proposed alcohol sales within a 400 sq. ft. outdoor dining area will be consistent with the Land Use Element designation and will help to increase the economic viability of the existing eating and drinking establishment. The service of beer and wine is not anticipated to result in negative impacts on surrounding businesses and adjacent properties.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-012:

1. The site plan, floor plans, and elevations received and dated June 20, 2014 shall be the conceptually approved design with the following modifications:
 - a. Depict 48 existing parking spaces as noted by staff's field inspection.
 - b. Provide an enclosure around the proposed outdoor dining area to clearly define it from the waiting area and dog area.
2. The use shall comply with the following:
 - a. The hours of operation for the outdoor dining area shall be between 11:00 AM and 10:00 PM Monday through Sunday.
 - b. All alcoholic beverages shall remain within the interior of the restaurant or within the confines of the fenced patio area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted 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 loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
 - e. Signs shall be posted in a conspicuous space at the entrance/exit points of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
 - f. To further reduce the likelihood of noise disturbances from the patrons during late night and early morning hours, no dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM. **(PD)**
 - g. 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)**
 - h. There shall be no entertainment allowed at the establishment without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
 - i. An employee shall maintain continuous supervision at all times of the outdoor dining area when it is being utilized for the sales, service or consumption of alcoholic beverages. **(PD)**
 - j. The sale of alcoholic beverages in the outdoor dining area shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**

- k. All outdoor areas where the sales, service, consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
 - l. 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 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 the request by police officers conducting investigations. **(PD)**
 - m. All owners, employees, representatives, and agents must 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. 14-012 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 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 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.
 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.