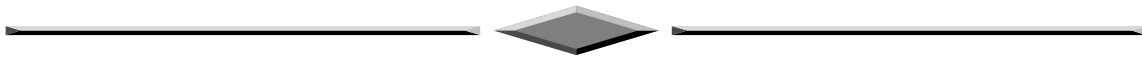


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Planning Aide
DATE: May 18, 2011

SUBJECT: CONDITIONAL USE PERMIT NO. 11-009 (BONA VIDA RESTAURANT)

LOCATION: 7561 Center Avenue, #53, 92647 (northwest corner of Center Avenue and Huntington Village Lane – Old World)



Applicant: Marouan Nabo, 7561 Center Avenue, Suite #53, Huntington Beach, CA 92647

Property

Owner: Paul Huynh, 411 Delaware Street, Huntington Beach, CA 92648

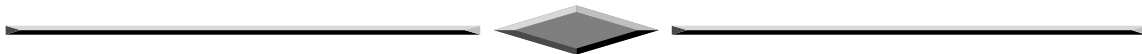
Request: To permit the on-site sales and consumption of alcohol within an existing 850 sq. ft. restaurant and 400 sq. ft. outdoor dining area.

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

Zone: SP1 - FP2 (North Huntington Specific Plan – Floodplain Overlay Subdistrict 2)

General Plan: M - sp (Mixed Use – Specific Plan 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 a commercial suite within an existing mixed-use development involving negligible expansion of an existing use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-009:

1. Conditional Use Permit No. 11-009 to permit the establishment of on-site sales and consumption of alcohol within an existing 850 sq. ft. restaurant and 400 sq. ft. 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 alcohol sales and service and outdoor dining area will not generate noise, traffic, demand for parking, or other impacts above that which currently exists and inconsistent with the subject property's zoning. The restaurant will continue to serve food and beverages in conjunction with the proposed service of alcohol. Based on the proposed hours of operation, the project will operate as a bona fide restaurant, rather than a bar or nightclub, which reduces any potentially significant impacts onto adjacent residential uses within the mixed-use development. The building is freestanding and adequately buffered from residential units to the north by a setback of approximately 15 ft. The site provides the necessary code required parking to accommodate the proposed use.
2. The conditional use permit will be compatible with surrounding uses because the proposed use is located within an established mixed-use (residential/commercial) development containing similar and complimentary uses. The sales and service of alcohol will be ancillary to an existing restaurant use and occur during business hours similar to other commercial uses within the vicinity. The restaurant is consistent with adjacent uses, which serve nearby residents and visitors. No residential uses are located above the restaurant.
3. The proposed conditional use permit will comply with the provisions of the base zoning district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The restaurant with outdoor dining does not require additional parking beyond which already exists onsite. Alcohol sales are permitted within the SP1 (North Huntington Center Specific Plan) zone, subject to conditional use permit approval.
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 M-sp (Mixed Use-Specific Plan Overlay) on the subject property. In addition, it is consistent with the following objectives 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, 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 market its services to local residents and visitors in the surrounding region. It will be located within an existing mixed-use development, which includes restaurant and retail uses. The restaurant with alcohol sales and service is not anticipated to result in negative impacts on adjacent uses. The proposed use will be limited to between the hours of 8 AM and 9 PM. The building is freestanding and sufficiently buffered from adjacent residences by a minimum 15 ft. wide walkway. With the limited hours and building setback, the ancillary use is not anticipated to impact surrounding noise-sensitive land uses.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-009:

1. The site plan and floor plan dated March 16, 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 & Building Department for the entitlement 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. Alcohol sales and service shall be limited to between the hours of 8:00 AM and 9:00 PM.
 - b. A maximum of 5 tables and 20 seats shall be permitted and maintained within the outdoor dining area.
 - c. All alcoholic beverages shall be limited to within interior of the restaurant and the fenced outdoor dining area. **(PD)**
 - d. Service of alcoholic beverages for off-site consumption shall be prohibited. **(PD)**
 - e. A sign shall be clearly posted prohibiting alcoholic beverages outside of the outdoor dining area including the outdoor dining area hours of operation. **(PD)**
 - f. All employees shall complete an ABC approved training class within 30 days of being hired and they shall complete the program ever 12 months thereafter. **(PD)**
 - g. All exterior doors shall remain closed during business hours. **(PD)**
 - h. Dancing and entertainment shall be prohibited unless approved by a Conditional Use Permit.
 - i. The use conditions listed herein shall be clearly posted on the premises at all times.
4. CUP No. 11-009 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 & Building Department a minimum 30 days prior to the expiration date.

5. The Director of Planning and Building ensures that all conditions of approval herein are complied with. The Director of Planning and Building shall be notified in writing of any changes to the conceptually approved plans. 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 Huntington Beach Zoning and Subdivision Ordinance.
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/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..