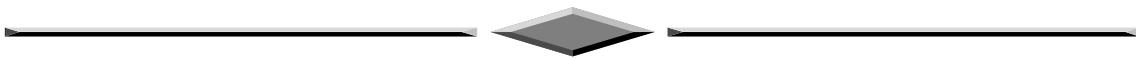
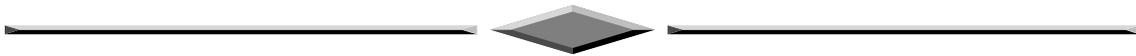


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Ethan Edwards, Associate Planner  
**DATE:** July 15, 2015  
**SUBJECT:** **CONDITIONAL USE PERMIT NO. 15-019 (HB PITA ALCOHOL)**  
**LOCATION:** 19893 Brookhurst Street, 92646 (northwest corner of Brookhurst St. and Adams Ave.)



**Applicant:** Roger Samawi, 10270 Rainbow Cir., Fountain Valley, CA 92708  
**Property Owner:** Town House Plaza, Mark Sork, 13 Corporate Plaza Dr., Suite 214, Newport Beach, CA 92660  
**Request:** To permit the sales, service, and consumption of alcohol (ABC Type 41 – on sale beer & wine) within an existing restaurant.  
**Environmental Status:** This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.  
**Zone:** CG (Commercial General)  
**General Plan:** CG-F1 (Commercial General - 0.35 Maximum Floor Area Ratio)  
**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. 15-019:**

1. Conditional Use Permit No. 15-019 to permit onsite sales, service and consumption of alcohol (ABC Type 41 – on sale beer & wine) at an existing approximately 2,400 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 existing restaurant is located within an existing commercial center and more than 150 feet from the nearest residential use. Additionally, the restaurant faces Brookhurst Street and nearest residences are buffered by a drive aisle and the building itself. 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 sales, service, and consumption of alcohol at an existing restaurant with outdoor dining will be compatible with surrounding uses because the existing restaurant is surrounded by a majority of commercial uses such as restaurant, office, and retail uses. The operation of the conditional use permit will 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 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. In addition, 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 in which it would be located 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 conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (Commercial General–0.35 FAR) on the subject property. In addition, it is consistent with the following objective 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 help to increase the economic viability of the existing eating and drinking establishment while providing an additional service to local residents and residents in the nearby region. 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. 15-019:**

1. The site plan, floor plans, and elevations received and dated May 22, 2015 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. The hours of operation shall be between the hours of 11:00 AM and 10:00 PM every day of the week.
  - b. Prior to sales, service or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the restaurant. The ABC license shall be limited to a Type 41 License – on sale beer & wine. **(PD)**
  - c. All alcoholic beverages shall remain within the interior of the restaurant
  - d.
  - e. 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)**
  - f. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
  - g. No “happy hour” or reduced price alcoholic beverage promotion shall be allowed after 7:00 P.M. each day of the week. **(PD)**
  - h. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
  - i. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(PD)**
  - j. 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)**
  - k. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**
  - l. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
  - m. 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 request by police officers conducting investigations. **(PD)**
  - n. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**

- o. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
  - p. Signage, posters, and advertising with “Do Not Drink and Drive” shall be posted in the business. **(PD)**
  - q. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. **(PD)**
  - r. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
  - s. 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)**
  - t. 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. 15-019 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.
  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.