



City of Huntington Beach

File #: 18-102

MEETING DATE: 6/12/2018

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Jane James, Interim Director of Community Development
BY: Joanna Cortez, Associate Planner

SUBJECT:
CONDITIONAL USE PERMIT NO. 18-012 (EAT AT JOE'S ALCOHOL) Recommendation to accept the categorical exemption and approve the onsite sale, service, and consumption of alcohol (ABC Type 47 License) within an existing 2,285 sq. ft. restaurant located at 7120 Edinger Ave.

APPLICANT:
Chontel Palomino and Liliger Damaso, 7120 Edinger Ave., Huntington Beach, CA 92647

PROPERTY OWNER:
Frank M. Gertrude R Doyle Foundation, Busby Family, LLC & Goldenwest & Edinger LP, 18012 Sky Park Circle, Ste. 100, Irvine, CA 92614

BUSINESS OWNER:
Not Applicable

LOCATION:
7120 Edinger Avenue, 92647 (east side of Goldenwest St. and south of Edinger Ave.)

STATEMENT OF ISSUE:

- Conditional Use Permit No. 18-012 request:
 - To permit the onsite sale, service, and consumption of alcohol (ABC Type 47 License) within an existing 2,285 sq. ft. restaurant.
- Staff Recommendation:
Approve Conditional Use Permit No. 18-012 based upon the following:
 - The proposed use is consistent with the General Plan land use designation of Mixed Use by expanding the range of goods and services offered.
 - The proposed use is consistent with the Beach-Edinger Corridor Specific Plan development standards and building use regulations.
 - The ancillary use of on-site sale, service, and consumption of alcohol within the restaurant as

conditioned will not generate negative impacts to adjacent uses.

RECOMMENDATION:

A) "Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to pursuant to Section 15301, Class 1 - *Existing Facilities*, because the project involves a minor alteration to the operation of an existing development involving negligible expansion of an existing use (Attachment No.1)," and

B) "Approve Conditional Use Permit No. 18-012 with suggested findings and conditions of approval (Attachment No. 1)"

ALTERNATIVE ACTION(S):

A) "Deny Conditional Use Permit No. 18-012 with findings for denial."

B) "Continue Conditional Use Permit No. 18-012 and direct staff accordingly."

PROJECT PROPOSAL:

Conditional Use Permit No. 18-012 represents a request to permit the onsite sale, service, and consumption of alcohol (ABC Type 47 License) within an existing 2,285 sq. ft. restaurant. The establishment of alcohol sales, service, and consumption within the restaurant requires approval of a conditional use permit by the Planning Commission pursuant to Section 2.2.1 of the Beach and Edinger Corridors Specific Plan (BECSP). Dancing and live entertainment are not part of the subject request.

The project site is a restaurant within an existing commercial development located near the southeast corner of Goldenwest Street and Edinger Avenue known as Goldenwest Plaza. The site includes retail uses and eating and drinking establishments. The restaurant currently has an existing ABC Type 41 License (beer and wine), which was established before a Conditional Use Permit was required. The restaurant operator proposes to sell general alcohol for consumption on the premises, within the interior of the existing restaurant. The proposed hours of operation for the restaurant are Monday - Friday from 11:00 AM to 11:00 PM and Saturday - Sunday from 9:00 AM to 11:00 PM. According to the project narrative provided by the applicant, the restaurant currently has seven employees (Attachment No. 4).

ISSUES:**Subject Property And Surrounding General Plan Designations, Zoning And Land Uses:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	M-sp (Mixed-use - Specific Overlay)	SP14 (Beach and Edinger Corridors Specific Plan - Town Center Boulevard Segment)	Commercial

North of Subject Property:	P (Public)	PS (Public-Semipublic)	Goldenwest College
East of Subject Property:	M-sp (Mixed-use - Specific Overlay)	SP14 (Beach and Edinger Corridors Specific Plan - Town Center Boulevard Segment)	Commercial
South of Subject Property:	RL (Residential Low Density)	RL (Residential Low Density)	Residential
West of Subject Property:	M-sp (Mixed-use - Specific Overlay)	SP14 (Beach and Edinger Corridors Specific Plan - Town Center Boulevard Segment)	Commercial

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is M-sp (Mixed Use - Specific Plan Overlay). The proposed project is consistent with this designation and the goals, policies, and objectives of the City's General Plan as follows:

Land Use Element

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The proposed conditional use permit will continue to expand the range of goods and services provided in the area by permitting the ancillary sale of alcohol in conjunction with the established eating and drinking establishment in a safe manner for residents and customers from the surrounding area. Conditions have been added to the request which limit the use and manner in which alcohol may be sold and consumed to ensure the proposed request will be compatible with the surrounding neighborhood while providing a service that will meet the needs of the community and continue to increase sales tax revenues.

Zoning Compliance:

This project complies with the requirements of the Town Center Boulevard Segment and the Residential Transition Zone of the Beach and Edinger Corridors Specific Plan (BECSP). The sales, service, and consumption of alcohol is subject to a conditional use permit approval by the Planning Commission. The restaurant use is consistent with the parking requirements per the BECSP. The addition of general alcohol sales and service to the existing eating and drinking establishment would not constitute an increase in required parking spaces.

Urban Design Guidelines Conformance:

Not Applicable

Environmental Status:

The proposed project is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - *Existing Facilities*, because the project involves a minor alteration to the operation of an existing development involving negligible expansion of an existing use.

Coastal Status:

Not Applicable

Design Review Board:

Not Applicable

Subdivision Committee:

Not Applicable

Other Departments Concerns and Requirements:

The Departments of Fire and Community Development have reviewed the project and identified a list of code requirements (Attachment No. 5) applicable to the project. The Police Department has reviewed the request and recommends several conditions of approval to regulate and monitor the general alcohol sales and service (Attachment No. 1).

Public Notification:

Legal notice was published in the Huntington Beach Wave on May 31, 2018, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Division's Notification Matrix), applicant, and interested parties. As of June 5, 2018, no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
April 20, 2018	June 20, 2018

ANALYSIS:

The subject site is located along major arterial streets and within an existing commercial center comprised of restaurants, retail uses, and office uses. Located in an existing tenant space within the center, the location is suitable for the sale, service and consumption of alcohol due to the mix of uses existing and allowed on and surrounding the site. The alcohol sales and service are compatible with the existing restaurant because it provides an additional service that will benefit and serve the other uses in the center and residential uses in the vicinity. The operation of a restaurant with alcohol will occur within the interior of the building and is proposed in an area designated and designed for this type of use.

The BECSP zoning and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The existing restaurant currently offers beer and wine to patrons. The request for general alcohol is ancillary to the primary restaurant use and will serve to

augment the overall dining experience. The Police Department has reviewed the request and suggests several conditions of approval to ensure the establishment preserves a restaurant atmosphere, avoids noise disturbances, and complies with City and State law regarding alcohol sales and consumption.

The use will be required to comply with conditions of approval pertaining to the operation to assure that any potential impacts to the surrounding properties are minimized. Staff is recommending provisions to ensure the location maintains a restaurant atmosphere such as requiring the availability of food in conjunction with the sale of alcohol, making food service available until one hour prior to closing time, and limiting promotions for happy hour or reduced prices for alcohol. The nearest single family residential use is at a sufficient distance from the proposed use (approximately 70 feet away to the south) and is buffered by the building, a drive aisle and block wall. In addition, all restaurant operations will occur within the interior of the building, therefore, with the suggested conditions of approval, no significant impacts are anticipated. There are seven operating eating and drinking establishments within the commercial center and three of those seven restaurants are currently operating with an ABC Type 47 license for the onsite sales, service, and consumption of alcohol.

With the suggested conditions of approval, the proposed request will not result in noise, safety, or compatibility issues. The request to permit the on-site sale, service, and consumption of alcohol within an existing 2,285 sq. ft. restaurant is consistent with the scope and intent of development and land use within the General Plan and the BECSP. Accordingly, staff recommends approval of the request.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval for Conditional Use Permit No. 18-012
2. Vicinity Map
3. Site Plan and Floor Plan dated March 21, 2018
4. Narrative dated March 21, 2018
5. Code Requirements Letter dated June 5, 2018