



City of Huntington Beach

File #: 19-1295

MEETING DATE: 1/28/2020

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Ursula Luna-Reynosa, Community Development Director
BY: Tess Nguyen, Associate Planner

SUBJECT: **CONDITIONAL USE PERMIT NO. 19-024 (THAI GULF RESTAURANT ALCOHOL SERVICE)**

REQUEST: To permit the onsite sale, service, and consumption of beer and wine (ABC Type 41 License) within an approximately 1,935 sq. ft. eating and drinking establishment and 400 sq. ft. outdoor dining area.

LOCATION: 19072 Beach Boulevard # A, 92648 (east side of Beach Boulevard, south of Garfield Avenue)

**APPLICANT/
BUSINESS
OWNER:** Narin Kidd, 19072 Beach Boulevard #A, Huntington Beach CA 92648

**PROPERTY
OWNER:** Phuong Pham, 1738 44th Avenue, San Francisco CA 94122

STATEMENT OF ISSUE:

1. Is the project proposal consistent with the City of Huntington Beach's adopted land use regulations (i.e. General Plan, Zoning Map and Zoning Code including any specific plans and overlay districts where applicable)?
2. Does the project proposal satisfy all the findings required for approving a Conditional Use Permit?
3. Has the appropriate level of environmental analysis been determined?

RECOMMENDATION:

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities.
- B) Approve Conditional Use Permit No. 19-024 with suggested findings and conditions of approval (Attachment No. 1).

ALTERNATIVE ACTION(S):

- A) Don't make the suggested findings, which will result in a mandatory denial per Section 241.10 (c) of the Zoning Code.
- B) Continue Conditional Use Permit No. 19-024 and direct staff accordingly.

PROJECT PROPOSAL:

Conditional Use Permit No. 19-024 represents a request to permit the onsite sale, service, and consumption of beer and wine (ABC Type 41 License) within an existing 1,935 sq. ft. restaurant and 400 sq. ft. outdoor dining area. The establishment of alcohol sale, 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).

The project site is a restaurant within an existing commercial development located near the southeast corner of Beach Boulevard and Garfield Avenue known as Plaza De La Playa. The site includes retail uses, service uses, and eating and drinking establishments. The restaurant operator proposes to sell beer and wine for consumption on the premises, within the interior of the existing restaurant and the outdoor dining area. The proposed hours of operation for the restaurant are from 11:00 AM to 3:30 PM for lunch and 4:30 PM to 10:00 PM for dinner, seven days a week. The restaurant closes at 9:30 PM on Sundays (Attachment No. 4).

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	M - sp (Mixed Use - Specific Plan Overlay)	SP 14 (Beach and Edinger Corridors Specific Plan - Neighborhood Parkway Segment)	Commercial

North and South of Subject Property:	M - sp (Mixed Use - Specific Plan Overlay)	SP 14 (Beach and Edinger Corridors Specific Plan - Neighborhood Parkway Segment)	Commercial
East of Subject Property:	RM (Residential Medium Density)	RM (Residential Medium Density)	Residential
West of Subject Property:	M - sp (Mixed Use - Specific Plan Overlay)	SP 14 (Beach and Edinger Corridors Specific Plan - Neighborhood Center 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 goal, 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 Neighborhood Parkway Segment of the Beach and Edinger Corridors Specific Plan (BECSP). The sale, 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 beer and wine sale and service to the existing eating and drinking establishment would not constitute an increase in required parking spaces.

The subject site is located along major arterial streets and within an existing commercial center comprised of restaurants and retail 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 sale 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 in the outdoor dining area 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 sale, service, and consumption in this area. The request for beer and wine service is ancillary to the primary restaurant use and will serve to augment the overall dining experience.

The nearest residential use is at a sufficient distance from the proposed use (approximately 200 feet away to the east) 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 and an outdoor dining area facing Beach Boulevard, therefore, with the suggested conditions of approval, no significant impacts are anticipated.

Urban Design Guidelines Conformance:

Not Applicable

Environmental Status:

The proposed project is Categorically 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 sale and service (Attachment No. 1). The Police Department's recommendations ensure the establishment preserves a restaurant atmosphere, avoids noise disturbances, and complies with City and State law regarding alcohol sale 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 recommends provisions such as limiting promotions for happy hour or reduced prices for alcohol and limiting the hours of alcohol sale and consumption inside the restaurant and in the outdoor patio areas.

Public Notification:

Legal notice was published in the Huntington Beach Wave on January 16, 2020 and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations request notification (Planning Division's Notification Matrix), applicant, and interested parties. As of January 21, 2020, no communications supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION: MANDATORY PROCESSING DATE(S):
November 20, 2019 January 20, 2020

SUMMARY:

Staff recommends that the Planning Commission approve the proposed project based on the following:

- Consistent with the M-sp (Mixed Use - Specific Plan Overlay) Land Use Designation of the General Plan and the SP 14 - Beach and Edinger Corridors Specific Plan zoning designation.
- Implements the objectives of the BECSP to improve the vitality of the Beach Boulevard corridor.
- Provides a commercial development that is consistent with the BECSP development code and compatible with the surrounding existing and anticipated land uses.
- Provides expanded services to meet local and regional community needs.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval for Conditional Use Permit No. 19-024
2. Vicinity Map
3. Site Plan and Floor Plan received and dated October 21, 2019
4. Narrative received and dated October 21, 2019
5. Code Requirements Letter dated November 20, 2019