

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

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: June 17, 2009

SUBJECT: **ENTITLEMENT PLAN AMENDMENT NO. 2009-004 (AYUMI JAPANESE GRILL – OUTDOOR DINING WITH ALCOHOL SALES)**

LOCATION: 10035 Adams Avenue #101, 92646 (Northeast corner of Adams Avenue and Brookhurst Street)

**Applicant/
Business**

Owner: Cathy Lewis, 8 Morningstar, Irvine, CA 92603

Property

Owner: Brookhurst & Adams LLC, 2760 E Spring Street, #200, Long Beach, CA 90806

Request: To amend Conditional Use Permit No. 2008-042 to allow an approximately 400 sq. ft. of outdoor dining area with alcohol sales in conjunction with an existing 3,000 sq. ft. 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 floor area ratio maximum)

Existing Use: Vacant commercial suite

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 consists of the operation and minor alteration of an existing commercial structure involving negligible expansion of use beyond that previously existing.

SUGGESTED FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2009-004:

1. Entitlement Plan Amendment No. 2009-004 for an amendment to an existing Conditional Use Permit to allow an approximately 400 sq. ft. of outdoor dining area with alcohol sales in conjunction with an existing 3,000 sq. ft. 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 use will not generate additional noise, traffic, or other impacts at levels inconsistent with the commercial zoning applicable to the subject property. The outdoor dining area of the restaurant is oriented towards Adams Avenue, away from residential units. Residential uses to the north of the subject site will be adequately buffered from the outdoor dining area by an approximately 185-foot separation, including a 80-foot deep, one-story commercial building and a 6-foot high block wall separating the two properties.
2. The Entitlement Plan Amendment will be compatible with surrounding uses because it is a commercial use located in an existing commercial development with other commercial uses with similar characteristics. In addition, the outdoor dining area represents only a negligible expansion of an existing restaurant use located within an existing commercial center with adequate parking capacity, in a suite adequately buffered from residential land uses to ensure no detrimental impact.
3. The proposed Entitlement Plan Amendment 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 (HBZSO). The proposed use is permitted in the CG (Commercial General) zone pursuant to Section 211.04 of the HBZSO—*CO, CG, and CV Districts: Land Use Controls*. No additional parking is required for outdoor dining area less than 400 sq. ft.
4. The granting of the Entitlement Plan Amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. Land Use Element

Policy LU 10.1.1: 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.
 - b. Economic Development Element

Objective 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 requested Entitlement Plan Amendment will accommodate existing development by allowing the addition of an outdoor dining area with alcohol sales. The proposed use will

market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses.

SUGGESTED CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 2009-004:

1. The site plan, floor plans, and elevations received and dated April 22, 2009 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The security railing for the outdoor dining area shall be designed and installed in a manner that does not obstruct a view of the outdoor dining area or the south side of the business from the parking lot. **(PD)**
 - b. The outdoor dining area shall not be utilized as a storage area for restaurant equipment. **(PD)**
 - c. Window coverings shall not prevent a clear view of the outdoor dining area by employees working inside the restaurant. **(PD)**
 - d. 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 Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - e. Only the uses/activities described in the project narrative received April 22, 2009 shall be permitted.

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.