



City of Huntington Beach Planning & Building Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning & Building
BY: Hayden Beckman, Planning Aide *YB*
DATE: February 28, 2012

**SUBJECT: CONDITIONAL USE PERMIT NO. 11-030 (GYU KAKU RESTAURANT
OUTDOOR ALCOHOL SERVICE)**

APPLICANT: Mark Sugimoto, 1225 W 190th Street, Ste. 400, Gardena, CA 90248

PROPERTY

OWNER: HF Huntington Plaza LP, c/o J. Beeson, 17011 Beach Blvd., Huntington Beach, CA 92647

LOCATION: 7862 Warner Avenue, Suite 109, 92647 (Southwest corner of Warner Avenue at Beach Boulevard)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

Conditional Use Permit No. 11-030 is a request to permit the establishment of alcohol service within a proposed 193 square foot outdoor dining area pursuant to SP14 – Beach and Edinger Corridors Specific Plan Section 2.2 Building Use Regulations. The proposed sales and service of alcohol is proposed to occur within an outdoor dining patio area located in front of the existing Gyu Kaku Japanese restaurant, which currently provides interior beer and wine sales and service. The subject restaurant is located within an existing single story commercial building with multiple tenants, on a large commercial center site.

The existing outdoor dining area is located adjacent to the restaurant's main entrance and is enclosed under an existing 7 ft. 8 in. wide covered walkway. The full walkway is 14 ft. 8 in. wide, and the remaining 7 ft. wide walkway provides access for the seven commercial tenant spaces that it serves. The outdoor dining area is separated from the remaining walkway by a 3 ft. high fence, and is accessible from the restaurant's exterior main entrance area by a 4 ft. 7 in. opening in the fence. Outdoor dining areas are permitted as ancillary uses to eating and drinking establishments within the Beach and Edinger Corridors Specific Plan, provided the areas maintain both a minimum five-foot wide unobstructed portion of sidewalk corridor, and keep the full width of the building entrance clear and unimpeded for pedestrian traffic.

The existing Gyu Kaku Japanese Restaurant was approved by the Zoning Administrator as Conditional Use Permit No. 2006-002 on April 5, 2006. The existing hours of operation are from 11:30 am to 11:30pm Monday through Saturday, and 11:30 am to 9:30 pm Sunday. The existing restaurant does not provide live entertainment or dancing in conjunction with current dining and alcoholic beverages services.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Site:	M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay)	SP14 (Beach and Edinger Corridors Specific Plan – Neighborhood Center)	Commercial center
North of Subject Site (across Warner Ave.)	M – sp – d	SP14 (BECSP – Town Center Boulevard) & RM (Residential Medium Density)	Commercial
East of Subject Site (across Beach Blvd.):	M – sp – d	SP14 (BECSP – Neighborhood Boulevard)	Commercial
South of Subject Site:	M – sp – d	RM, SP14 & CG (Commercial General)	Multi-family residential & Commercial
West of Subject Site:	CG – F1 (Commercial General – 0.35 Max Permitted Density) / RM – 15 (Residential Medium Density – 15 du/ac)	RM & CG	Multi-family residential & Commercial

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION:

MANDATORY PROCESSING DATE(S):

- January 25, 2012

- Within 60 days of complete application: March 25, 2011

Conditional Use Permit No. 11-030 was filed on December 13, 2011 and deemed complete on January 25, 2012. The application is tentatively scheduled for a public hearing before the Planning Commission on March 13, 2012.

CEQA ANALYSIS/REVIEW

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 the operation and permitting of the existing development involving negligible expansion of an existing use.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Departments of Planning and Building, and Police have reviewed the application and identified applicable code requirements (Attachment No. 4).

PUBLIC MEETINGS, COMMENTS AND CONCERNS

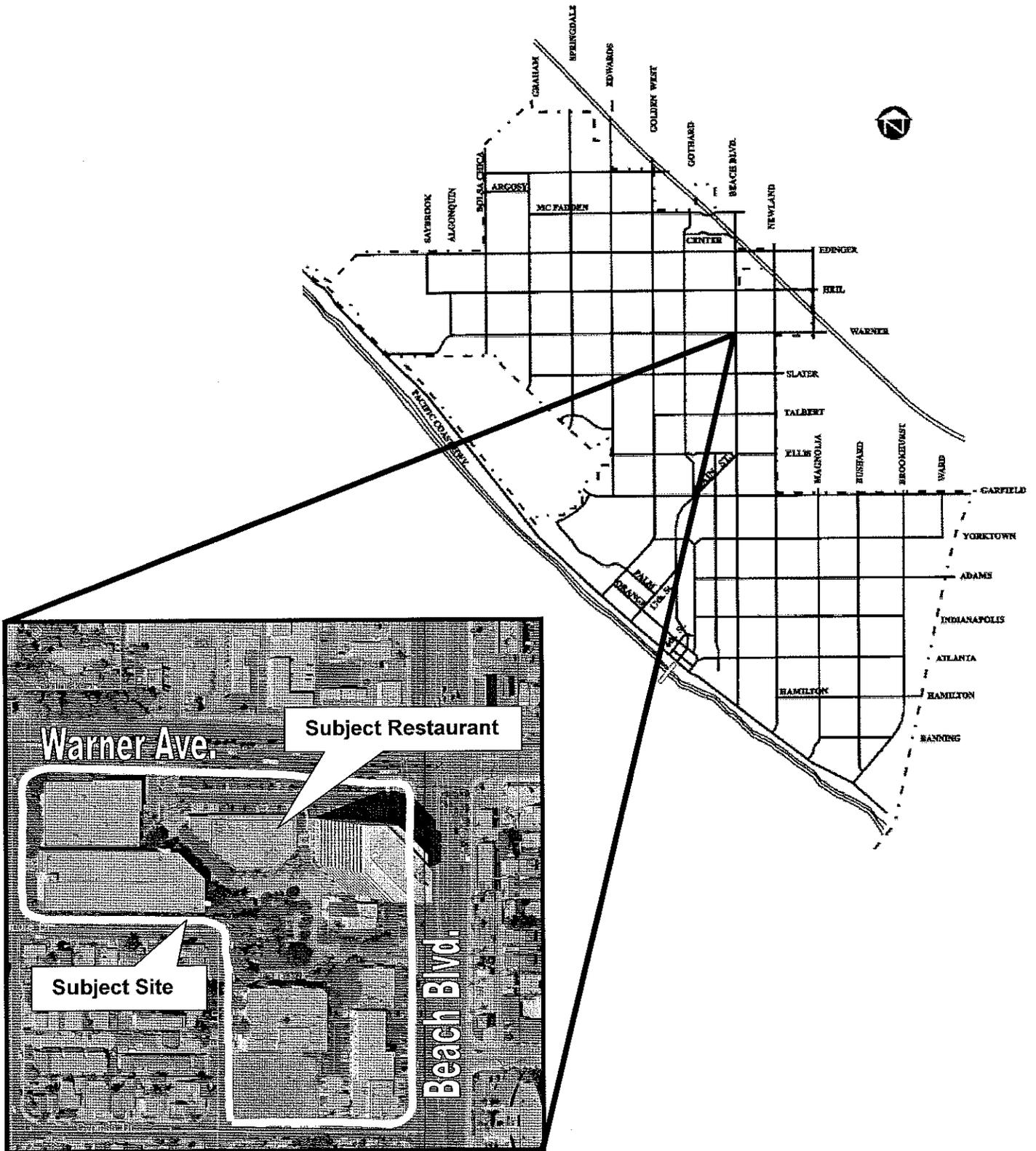
There have been no public meetings regarding this request. To date, there have been no comments from the public regarding this request.

PLANNING ISSUES

The primary issue identified with the existing eating and drinking establishment is related to land use compatibility of the sale of alcoholic beverages within an outdoor dining area. In general, the proposed use is consistent with scope and intent of the development in Specific Plan 14 – Beach and Edinger Corridors Specific Plan and supported by the General Plan.

ATTACHMENTS:

1. Vicinity Map
2. Site Plan and Floor Plan received and dated December 13, 2011
3. Project Narrative received and dated December 13, 2011
4. Code Requirements Letter dated February 2, 2012

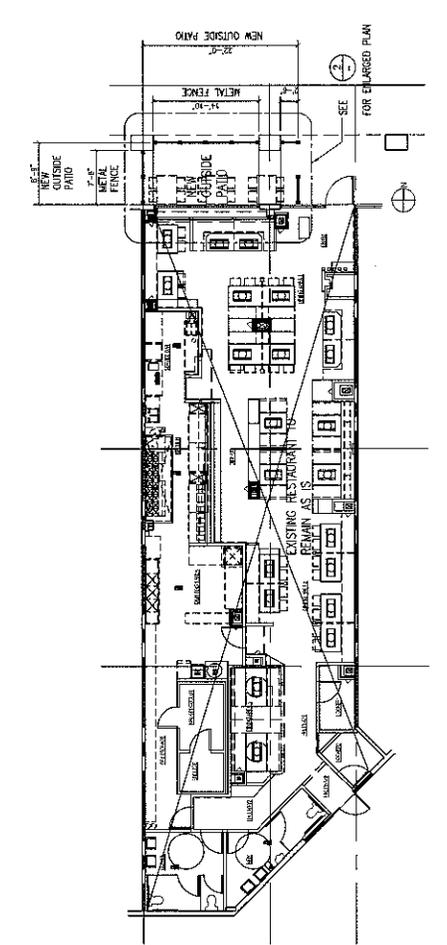


VICINITY MAP
CONDITIONAL USE PERMIT NO. 2011-030
(GYU KAKU RESTAURANT OUTDOOR ALCOHOL SERVICE)

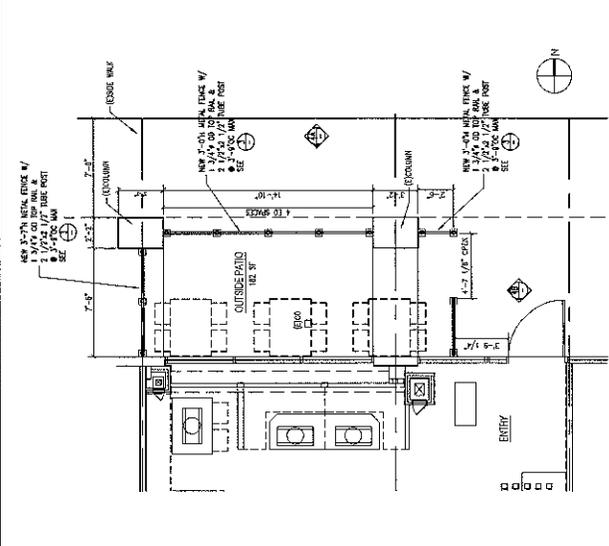
NO.	DATE	REVISION

THESE DRAWINGS ARE THE PROPERTY OF REINS INTERNATIONAL USA. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THESE DRAWINGS WITHOUT THE WRITTEN CONSENT OF REINS INTERNATIONAL USA IS STRICTLY PROHIBITED. REINS INTERNATIONAL USA SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS.

FLOOR PLAN SCALE 1/8"=1'-0"

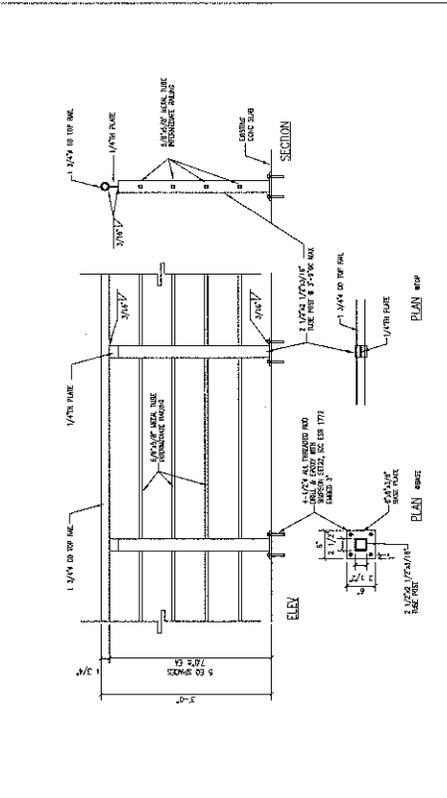


ENLARGED FLOOR PLAN SCALE 1/4"=1'-0"

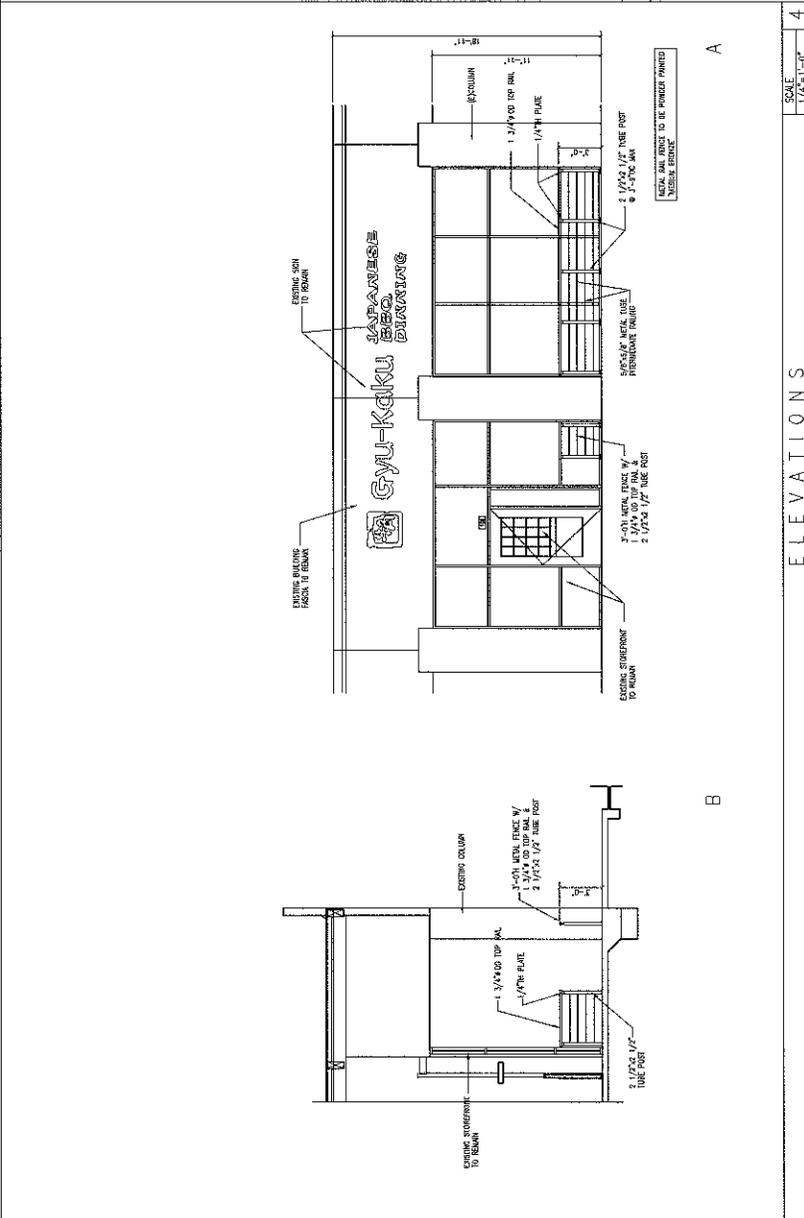


PROPERTY OWNER: NF HUNTINGTON PLAZA LP
 7562 WARNER AVE UNIT 109
 HUNTINGTON BEACH, CA 92647
 714-841-9095
 APPLICANT: REINS INTERNATIONAL CALIFORNIA
 1225 W. 190TH STREET, SUITE 400
 OAKRIDGE, CA 90248
 949-542-3300

FENCE DETAIL SCALE 1"=1'-0"



ELEVATIONS SCALE 1/4"=1'-0"



City of Huntington Beach

General Application

10. (i) NF Huntington Plaza, LP,

17011 Beach Blvd. Suite 710

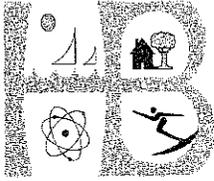
Huntington Beach, CA 92647

(714)841-9095

15.

To City of Huntington Beach,

This application/Project which our Company is applying for is to have a Patio area for our restaurant. The proposed area we are applying for is about an estimate of 220 SF. The hours of use will be from Lunch to close (12noon ~ 11pm) We would like to add 3 tables outside for those customers who like to seat outside. We initially are applying for this permit due to customer request as well as trying to maximize our sales for our restaurant. With our country being in recession we are trying to give great service and answer to our customers needs to help with our sales at our restaurant. With our Patio being an estimate of 220 SF we are looking to place 3 tables with 4 chairs each, totaling 12 people in the patio.



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

February 2, 2012

Mark Sugimoto
1225 W. 190th Street, Ste. 400
Gardena, CA 90248

**SUBJECT: CONDITIONAL USE PERMIT NO. 11-030 (GYU KAKU RESTAURANT OUTDOOR ALCOHOL SERVICE) – 7862 Warner Avenue, Suite 109
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Applicant,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at hbeckman@surfcity-hb.org or 714-374-5317 and/or the respective source department (contact person below).

Sincerely,

HAYDEN BECKMAN
Planning Aide

Enclosures: Planning Division requirements dated January 25, 2012
Police Department requirements dated January 4, 2012

cc: Detective Kevin Kesler, Police Department
Herb Fauland, Planning Manager
J. Beeson, NF Huntington Plaza LP., Property Owner
Project File

ATTACHMENT NO. 41



HUNTINGTON BEACH PLANNING DIVISION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JANUARY 25, 2012
PROJECT NAME: GYU KAKU RESTAURANT OUTDOOR ALCOHOL SERVICE
PLANNING APPLICATION NO. 2011-0185
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 11-030
DATE OF PLANS: DECEMBER 13, 2011
PROJECT LOCATION: 7862 WARNER AVE., 92647 (SOUTHEAST CORNER OF WARNER AVE. AND BEACH BOULEVARD.)
PLAN REVIEWER: HAYDEN BECKMAN, PLANNING AIDE
TELEPHONE/E-MAIL: (714) 374-5317 / HBECKMAN@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT THE SALES AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN A 193 SQ. FT. OUTDOOR DINING AREA IN FRONT OF AN EXISTING RESTAURANT WITH ALCOHOL SALES.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided should final project approval be received. If you have any questions regarding these requirements, please contact the Plan Reviewer.

CONDITIONAL USE PERMIT NO. 11-030:

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design.
2. The structure(s) cannot be occupied until a Certificate of Occupancy is approved and issued by the Planning & Building Department. **(HBMC 17.04.036)**
3. The use shall comply with the following:
 - a. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be subject to approval of Conditional Use Permit. **(HBZSO Section 230.74)**

4. The Development Services Departments (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 & 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18. **(HBZSO Section 241.18)**
5. Conditional Use Permit No. 11-030 shall become null and void unless exercised within one year 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. **(HBZSO Section 241.16.A)**
6. Conditional Use Permit No. 11-030 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **(HBZSO Section 241.14)**
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 11-030 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 241.16.D)**
8. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**
10. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption/Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's approval of entitlements. **(California Code Section 15094)**
11. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning & Building Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**



**CITY OF HUNTINGTON BEACH
POLICE DEPARTMENT**

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JANUARY 4, 2012

PROJECT NAME: GYU KAKU OUTDOOR ALCOHOL SERVICE

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 11-012

PROJECT LOCATION: 7862 WARNER AVE. #109, 92647 (SOUTHWEST CORNER OF WARNER AVENUE AT BEACH BOULEVARD)

PROJECT PLANNER: HAYDEN BECKMAN, PLANNING AIDE

PLAN REVIEWER: STEVEN FONG, VICE UNIT/PD

TELEPHONE/E-MAIL: 5960 / SFONG@HBPD.ORG

PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT OF ALCOHOL SERVICE WITHIN A PROPOSED 193 SQ. FT. OUTDOOR DINING AREA IN FRONT OF AN EXISTING RESTAURANT WITH ALCOHOL SALES

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated December 13, 2011. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

The proposed modification does not appear to significantly alter the businesses design and function as a full service restaurant.

The Police Department does not believe the modification of the business will drastically affect the business activity or increase the potential to create public nuisances, as the location's primary business and emphasis will continue to be operating as a full service restaurant with alcohol sales.

To preserve the current atmosphere and to reduce the likelihood of disturbances created by intoxicated patrons and to reduce the risk of minors obtaining alcoholic beverages, the police department recommends the following conditions be applied to the proposed Conditional Use Permit.

1. 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.
2. If outside dining and alcohol consumption are allowed, a protective barrier shall be mandatory and installed around the outside dining areas. This will help prevent alcohol from being easily handed from the dining area to the surrounding sidewalks and walkways where people may loiter.
3. All alcoholic beverages shall remain within the interior of the restaurant and bar, or within the confines of the fenced in patio dining area, 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/patio.

4. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, no dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM the following day.
5. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons.
6. Dancing and entertainment shall be prohibited.