



City of Huntington Beach Planning and Building Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Hayden Beckman, Planning Aide *HB*  
**DATE:** March 13, 2012

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

**APPLICANT/  
BUSINESS**

**OWNER:** Mark Sugimoto, 1225 W 190<sup>th</sup> 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)

---

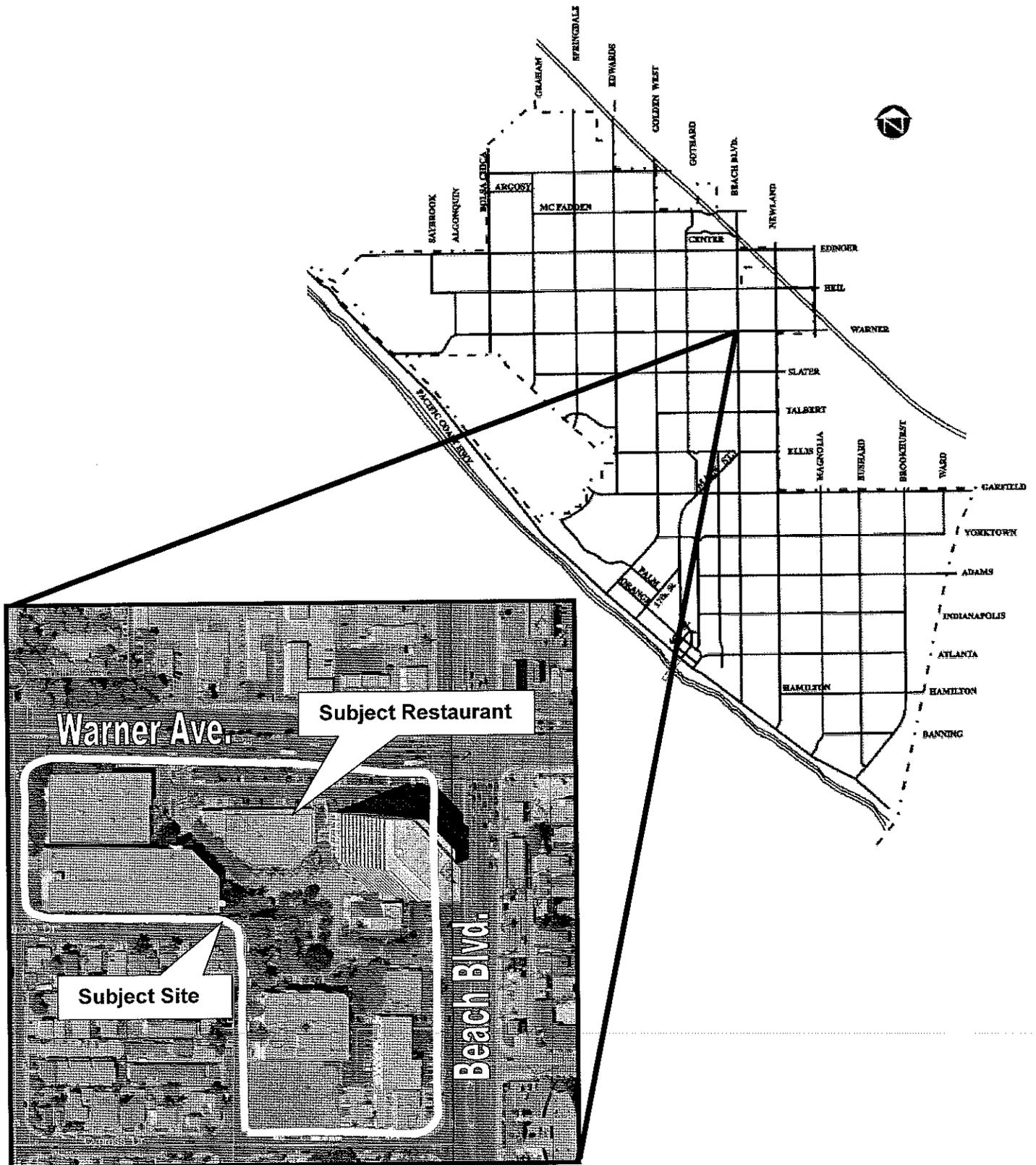
**STATEMENT OF ISSUE:**

- ◆ Conditional Use Permit No. 11-030 request:
  - To permit the onsite sales, service, and consumption of alcoholic beverages within an approximately 193 sq. ft. proposed outdoor dining area to be located in front of an existing restaurant with interior alcohol sales and service.
- ◆ Staff's Recommendation: Approve Conditional Use Permit No. 11-030 based upon the following:
  - The proposed use is in compliance with the General Plan designation of Mixed Use.
  - The current restaurant use and related ancillary use of alcohol sale and consumption within a proposed outdoor dining area, as conditioned, will not generate negative impacts to adjacent uses.

**RECOMMENDATION:**

Motion to:

“Approve Conditional Use Permit No. 11-030 with suggested findings and conditions of approval (Attachment No. 1).”



**VICINITY MAP**  
**CONDITIONAL USE PERMIT NO. 11-030**  
**(GYU KAKU RESTAURANT – 7862 WARNER AVENUE STE. 109)**

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Continue Conditional Use Permit No. 11-030 and direct staff accordingly.”
- B. “Deny Conditional Use Permit No. 11-030 with findings for denial.”

**PROJECT PROPOSAL:**

Conditional Use Permit No. 11-030 represents a request to allow the establishment, maintenance, and operation of alcoholic beverage sales and consumption within a proposed outdoor dining area measuring approximately 193 sq. ft. in front of an existing restaurant that currently offers sales and consumption of alcohol within the interior. Outdoor dining areas are permitted as ancillary uses to eating and drinking establishments within the Beach and Edinger Corridors Specific Plan (BECSP) without a Conditional Use Permit (CUP), 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. However, the establishment of alcohol sales and consumption within an outdoor dining area requires approval of a CUP by the Planning Commission. Other commercial uses such as dancing and live entertainment are neither a part of the existing restaurant operations nor a part of the subject request.

The hours of operation for the existing 2,787 sq. ft. Gyu Kaku Japanese restaurant are from 11:30 am to 11:30pm Monday through Saturday, and 11:30 am to 9:30 pm Sunday. No change to operating hours is proposed. The outdoor alcohol service request is an expansion of the existing Type 41 Alcoholic Beverage License, which allows the sale and consumption of beer and wine only. The proposed outdoor dining patio area will be located on the ground floor level along the north façade of the building facing Warner Avenue and will include three traditional restaurant tables and twelve chairs. The applicant has installed a 3 ft. high fence enclosing the proposed dining area from the surrounding walkway, which includes a 4 ft. 7 in. opening in the fence to provide access to the restaurant’s main exterior entrance.

**Study Session:**

The item was presented at the February 28, 2012 Planning Commission study session meeting. The Planning Commission inquired about the potential impact of customer queuing in front of the restaurant during peak dining hours and the restaurant’s offer of happy hour menu discounts. The subject restaurant is a successful higher-end dining business and customer queuing is commonplace during peak evening dining hours. Restaurant customers will be better served by an outdoor patio eating and drinking area, as the addition of three outdoor dining tables will enable the restaurant staff to more effectively manage customers during peak dining hours, thereby reducing overall customer queuing. The restaurant’s Type 41 license through the Department of Alcoholic Beverage Control does not currently have conditions restricting the type or scope of alcoholic beverage specials that can be offered in conjunction with dining menus. Additionally, no recent calls for service have been received by the Police Department for the subject restaurant.

**ISSUES:**

**Subject Property And Surrounding Land Use, 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

**General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay). The proposed project is consistent with this designation and the policies, objective, and goal of the City’s General Plan as follows:

**A. Land Use Element**

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy – 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.

The proposed project will provide for the sales and service of alcoholic beverages within a proposed outdoor dining area in front of an existing restaurant use within the Beach and Edinger Corridors Specific Plan designation that is consistent with the Building Use Regulations and is compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs of a successful restaurant establishment by allowing the expansion of beverage services within an outdoor area in a safe manner for customers and residents of the surrounding area.

B. Economic 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 place.

Policy – 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules

The project is located along a focal corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to strengthen the existing business and facilitate continued viability of the center.

**Zoning Compliance:**

The subject restaurant is located on a site within the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan (BECSP) and the request complies with the requirements of that designation. Outdoor dining areas are permitted as ancillary uses to eating and drinking establishments within the BECSP, provided the outdoor 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. Staff analysis of CUP No. 2006-002 for the original establishment of the restaurant use with alcohol sales indicated a parking requirement of 28 parking spaces, plus an overall surplus of 19 parking spaces on-site. The addition of alcohol sales and service to a proposed outdoor dining area would not constitute an increase in required parking spaces.

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

**Coastal Status:** Not Applicable.

**Redevelopment Status:** Not Applicable.

**Design Review Board:** Not Applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The Police Department has reviewed the project proposal and has identified a list of operational restrictions associated with the proposed alcohol service within an outdoor dining area (Attachment 4). The applicant has reviewed the proposed conditions and expressed their understanding and willingness to comply with these conditions if approved.

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on March 1, 2012, and notices were sent to property owners and occupants of record within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning and Building Department's Notification Matrix), tenants, applicant, and interested parties. As of March 6, 2012, staff has received no comments in support or opposition to the request.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

**MANDATORY PROCESSING DATE(S):**

January 25, 2012

March 25, 2012

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 public hearing before the Planning Commission on March 13, 2012.

**ANALYSIS:**

The existing Gyu Kaku Japanese restaurant is located in a free-standing building within an existing mixed-use (commercial/office/restaurant) center. The location is suitable for outdoor eating and drinking activities due to the mix of uses existing and allowed on the site. Nuisance noise generated by a restaurant use is typically associated with car noise and voices. The operation of the restaurant currently occurs within the interior of the building. Because the outdoor dining area only consists of three tables, it is anticipated that noise emanating from the proposed outdoor dining patio and activity in the parking lot associated with the proposed project will not create a noise nuisance and will be diluted by ambient noise from other nearby commercial activities and roadway traffic created along Warner Avenue and Beach Blvd.

The CUP request is to allow the sale and consumption of beer and wine within the outdoor dining area in conjunction with the operation of an existing restaurant. The consumption of alcoholic beverages will be entirely contained within the restaurant and the outdoor dining area. The Police Department has reviewed the request and suggests several conditions of approval to ensure the establishment preserves the current 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. With the suggested conditions of approval, the subject request for expanded alcohol sales and service in the outdoor dining area will not result in noise, safety, or parking issues. The request for alcohol sales and consumption within the outdoor dining area is consistent with the scope and intent of development in the BECSP Designation and supported by the General Plan.

**ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval – CUP No. 11-030
2. Site Plans, Floor Plan, and Elevations received and dated February 7, 2012
3. Project Narrative received March 6, 2011
4. Code Requirements Letter dated January 4, 2012

SH:HF:MBB:HB:kd

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL**

#### **CONDITIONAL USE PERMIT NO. 11-030**

##### **SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and 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 modification to the operation of the existing development involving negligible expansion of an existing use.

##### **SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 11-030:**

1. Conditional Use Permit No. 11-030 to permit the establishment, maintenance, and operation of alcohol sales and consumption within a proposed 193 sq. ft. outdoor dining area located in front of an existing 2,787 sq. ft. restaurant on an existing mixed-use center site in the Beach and Edinger Corridors Specific Plan zoning designation 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 sales and service of alcoholic beverages is regulated by the provisions of Chapter 9.44 of the Huntington Beach Municipal Code. The subject request for expanded alcohol sales and service in the outdoor dining area will not result in noise, safety, or parking issues. Furthermore, the consumption of alcoholic beverages will be wholly contained within the building's interior and proposed outdoor dining areas of the restaurant and will not generate detrimental impacts onto surrounding properties.
2. The request for alcohol sales and consumption within a proposed outdoor dining area located in front of an existing restaurant will be compatible with surrounding uses because the project is located within an existing mixed-use center. The restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to alcohol service and operation to assure that any potential impacts to the surrounding properties are minimized.
3. The request for alcohol sales and consumption within a proposed outdoor dining area located in front of an existing restaurant will comply with the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan (BECSP), and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The BECSP allows the establishment of alcohol service within outdoor dining areas subject to approval of a conditional use permit. There is no physical expansion that includes additional floor area to the existing building as part of this request and the proposed use will comply with all building occupancy/exiting requirements.
4. The granting of the conditional use permit for the sales and consumption of alcohol within a proposed outdoor dining area will not adversely affect the General Plan. The General Plan Land Use Map designation on the subject property is M – sp – d (Mixed Use – Specific Plan Overlay – Design

Overlay). The proposed project is consistent with this designation and the policies, objective, and goal of the City's General Plan as follows:

A. Land Use Element

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy – 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.

The proposed project will provide for the sales and service of alcoholic beverages within a proposed outdoor dining area in front of an existing restaurant use within the Beach and Edinger Corridors Special Plan designation that is consistent with the Building Use Regulations and is compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs of a successful restaurant establishment by allowing the expansion of beverage services within an outdoor area in a safe manner for customers and residents of the surrounding area.

B. Economic 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 place.

Policy – 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules

The project is located along a focal corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to strengthen the existing business and facilitate continued viability of the center.

**SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 11-001:**

1. The site plan, floor plan, and elevation plan received and dated February 7, 2012, shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. Hours of operation shall be limited to between 11:00 AM and 11:30 PM Monday through Saturday, and between 11:30 AM and 9:30 PM Sunday.
  - b. 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)**

- c. If outside dining and alcohol consumption are allowed, a protective barrier shall be mandatory and installed around the outdoor 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. **(PD)**
  - d. All alcoholic beverages shall remain within the interior of the restaurant and bar, or within the confines of the fenced-in patio 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. **(PD)**
  - e. 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. **(PD)**
  - f. All areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
  - g. Dancing and entertainment shall be prohibited. **(PD)**
  - h. 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 and Building Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. 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 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.
  4. Conditional Use Permit No. 11-030 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.
- 
5. 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.
  6. 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/index.cfm?fuseaction=guidelines>).

**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.





# City of Huntington Beach

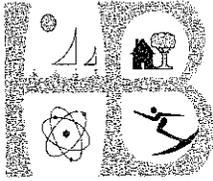
## General Application

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](http://www.huntingtonbeachca.gov)

Planning Division

714.536.5271

Building Division

714.536.5241

February 2, 2012

Mark Sugimoto  
1225 W. 190<sup>th</sup> 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](mailto: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. 4.1



## 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.