



City of Huntington Beach Planning and Building Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Tess Nguyen, Associate Planner *TN*
DATE: September 25, 2012

**SUBJECT: CONDITIONAL USE PERMIT NO. 12-003 (HASHIGO SUSHI RESTAURANT –
OUTDOOR ALCOHOL SERVICE)**

**APPLICANT/
BUSINESS**

OWNER: Jimmy Suh, 18685 Main Street, Suite 106, Huntington Beach CA 92648

PROPERTY

OWNER: Sher Five Points LLC, 18593 Main Street, Huntington Beach, CA 92648

LOCATION: 18685 Main Street, Suite 106, 92648 (west side of Main Street, south of Ellis Avenue—
Five Points Shopping Center)

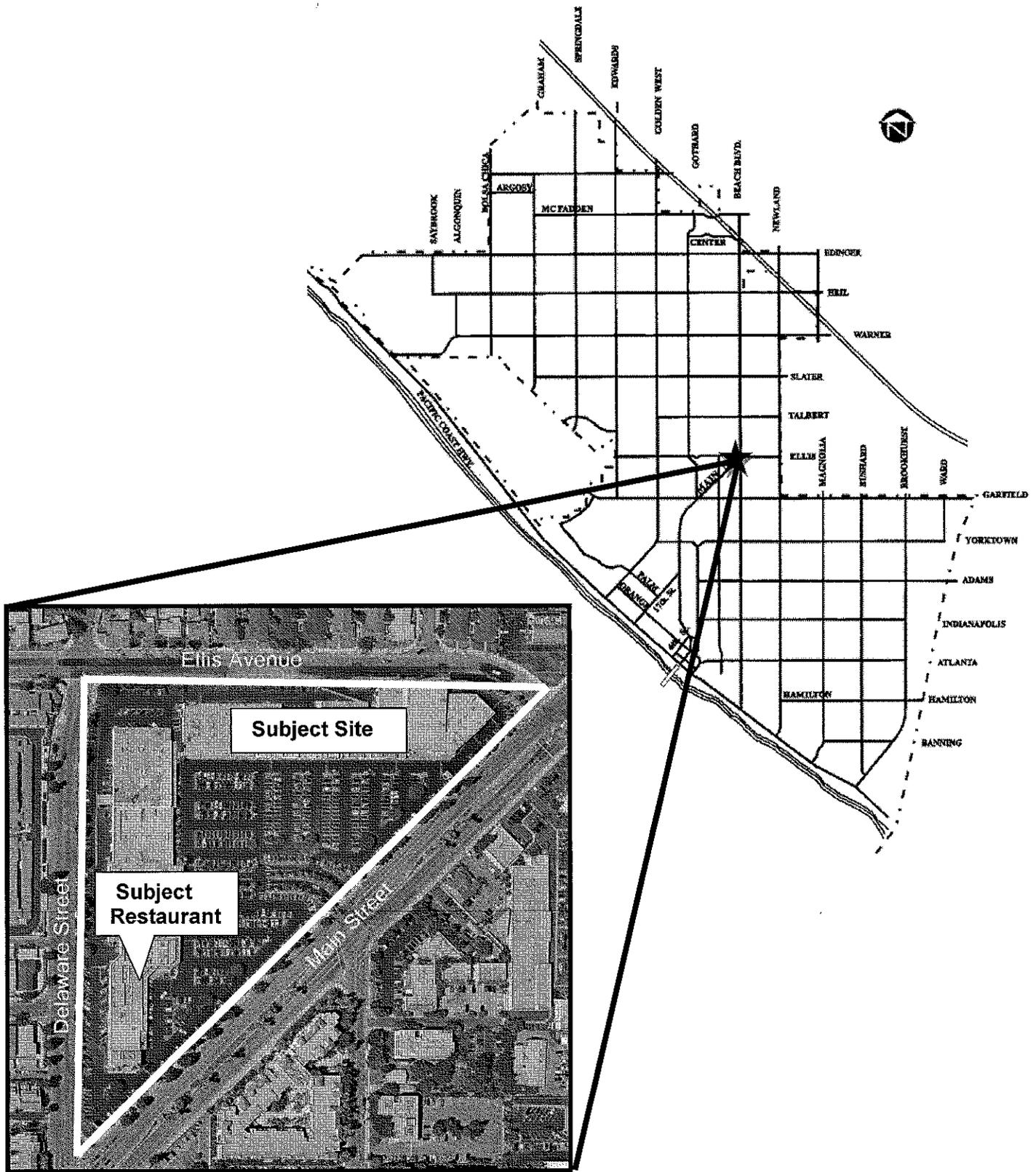
STATEMENT OF ISSUE:

- ♦ Conditional Use Permit No. 12-003 request:
 - To permit the onsite sales, service, and consumption of alcoholic beverages (beer, wine, and distilled spirits) within an approximately 398 sq. ft. outdoor dining area to be located in front of an existing 2,000 sq. ft. restaurant with interior alcohol sales and service (beer, wine, and distilled spirits). The proposed hours of alcohol service within the outdoor dining area are from 5:00 pm to 1:00 am, seven days a week.
- ♦ Staff's Recommendation: Approve Conditional Use Permit No. 12-003 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. 12-003 with suggested findings and conditions of approval (Attachment No. 1).”



VICINITY MAP
CONDITIONAL USE PERMIT NO. 12-003
(HASHIGO SUSHI RESTAURANT – 18685 MAIN STREET STE. 106)

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Continue Conditional Use Permit No. 12-003 and direct staff accordingly.”
- B. “Deny Conditional Use Permit No. 12-003 with findings for denial.”

PROJECT PROPOSAL:

Conditional Use Permit No. 12-003 represents a request to allow the establishment of alcoholic beverage (beer, wine, and distilled spirits) sales, service, and consumption within an existing approximately 398 sq. ft. outdoor dining area pursuant to SP14 – Beach and Edinger Corridors Specific Plan (BECSP) Section 2.2 Building Use Regulations. The proposed hours of alcohol service within the outdoor dining area are from 5:00 pm to 1:00 am, seven days a week. Outdoor dining areas are permitted as ancillary uses to eating and drinking establishments within the 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.

The Hashigo Sushi restaurant is located within an existing single story commercial building with multiple tenants on a large commercial center site. The existing 2,000 sq. ft. restaurant with alcohol sales (beer, wine, and distilled spirits) was approved by the Zoning Administrator as Conditional Use Permit No. 2007-005 on March 21, 2007 with no limitations on the hours of operation. The alcohol service is proposed to occur within an existing outdoor dining patio area located in front of the restaurant’s main entrance across a pedestrian walkway. The existing outdoor dining patio area was established and approved by the City in 1984. The entrance to the outdoor dining area is separated from the restaurant’s main entrance by a 9 ft. 2 in. wide walkway. The existing patio area has a 3 ft. fence enclosing the outdoor dining area from the surrounding walkway and includes traditional tables and chairs as well as lounge tables and chairs. The outdoor dining area will be for the exclusive use of Hashigo Sushi during the hours from 5:00 pm and 1:00 am. Below are the existing and proposed hours of operation:

| | <u>Existing</u> | <u>Proposed</u> |
|--------|---|--|
| Lunch | 11:30 am to 2:30 pm (Monday through Saturday) | 11:30 am to 2:30 pm (seven days a week) |
| Dinner | 5:00 pm to 9:30 pm (Sunday through Thursday) 5:00 pm to 10:00 pm (Friday and Saturday) | 5:00 pm to 1:00 am (seven days a week) |

Study Session: Not Applicable

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 – Town Center - Core) | Commercial center |
| North of Subject Site (across Ellis Avenue) | RL-7 (Residential Low Density-7 du/ac), RM (Residential Medium Density-15 du/ac), and RMH-25 (Residential Medium High Density-25 du/ac) | RL (Residential Low Density), RM (Residential Medium Density), and RMH (Residential Medium High Density) | Single and Multi-Family Residential |
| South of Subject Site (across Main Street): | M-sp-d | SP14 (BECSP – Town Center - Neighborhood) | Commercial |
| East of Subject Site (across Main Street): | M-sp-d | SP14 (BECSP – Town Center-Neighborhood) | Commercial |
| West of Subject Site (across Delaware Street): | RM-15 (Residential Medium Density-15 du/ac) and RMH-25 (Residential Medium High Density-25 du/ac) | RM (Residential Medium Density) and RMH (Residential Medium High Density) | Multi-family Residential |

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 Town Center-Core 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. CUP No. 2007-005, approved by the Zoning Administrator in March 2007, permitted the establishment of the restaurant use with alcohol sales with a 10 space reduction in required parking, based on parking survey data and a transportation demand management plan, at an existing shopping center. The addition of alcohol sales, service, and consumption to an existing 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 of approval.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on September 13, 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 September 18, 2012, staff has received no comments in support or opposition to the request.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

MANDATORY PROCESSING DATE(S):

August 22, 2012

October 22, 2012

Conditional Use Permit No. 12-003 was filed on January 31, 2012 and deemed complete on August 22, 2012. Shortly after the submittal of the application, the applicant put the application on hold in order to clarify the Police Department's recommended conditions of approval.

ANALYSIS:

The existing Hashigo Sushi restaurant is located in a free-standing building within an existing commercial/office/restaurant center. The location is suitable for outdoor eating and drinking activities due to the mix of uses existing and allowed on and surrounding the site. The consumption of alcoholic beverages will be entirely contained within the restaurant and the outdoor dining area and is proposed in an area designated and designed for this type of use. The request to allow the sale and consumption of alcoholic beverages within the outdoor dining area in conjunction with the operation of an existing restaurant will be consistent with the existing land use pattern and compatible with the surrounding commercial and restaurant uses.

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 Police Department is recommending that the sales, service, and consumption of alcoholic beverages within the outdoor dining area be allowed until midnight (12:00 AM) instead of the proposed time of 1:00 AM to reduce the likelihood of noise disturbances from patrons during late night and early morning hours. In addition, the Police Department recommends that the sale of alcoholic beverages be made only in conjunction with the sale of food to the person ordering the beverage in the outdoor dining area in order to maintain a restaurant atmosphere.

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, service 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. 12-003
2. Site Plan and Floor Plan received and dated August 3, 2012
3. Project Narrative received August 3, 2012
4. Code Requirements Letter dated August 22, 2012

SH:HF:TN:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 12-003

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. 12-003:

1. Conditional Use Permit No. 12-003 to permit the onsite sales, service, and consumption of alcoholic beverages within an approximately 398 sq. ft. outdoor dining area to be located in front of an existing 2,000 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 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 Town Center – Core 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 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.

SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 12-003:

1. The site plan and floor plan received and dated August 3, 2012 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Hours of operation shall be limited to between 11:30 AM and 1:00 AM seven days a week for the restaurant and between 11:30 AM and 10:00 PM seven days a week for the outdoor dining area. The sale, service, and consumption of alcoholic beverages within the outdoor dining area shall be limited to between 5:00 PM and 12:00 AM (midnight) seven days a week. **(PD)**
 - b. The patio area shall be for the sole use of Hashigo Sushi customers to prevent alcohol from being easily handed from the outdoor dining area to the surrounding sidewalks and walkways where people may loiter. **(PD)**
 - c. The patio area shall have only one entry/exit point. A sign shall be posted in a conspicuous space at the entry/exit point of the outdoor dining area, which shall state, “NO ALCOHOLIC BEVERAGES BEYOND THIS POINT.” **(PD)**
 - d. 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 area. **(PD)**
 - e. The sale of alcoholic beverages in the outdoor dining area shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**
 - f. No patrons/customers shall be allowed to carry an alcoholic beverage from the interior portion of the restaurant to the outdoor dining area, nor from the outdoor dining area to the interior portion of the restaurant. **(PD)**
 - g. An employee shall maintain continuous supervision of the patio area at all times when the outdoor dining area is being utilized for the sales, service, and consumption of alcoholic beverages. **(PD)**
 - h. No dining or consumption of alcoholic beverages shall be permitted on the outdoor patio area between the hours of 12:00 AM (midnight) and 7:00 AM the following day. **(PD)**
 - i. All outdoor areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
 - j. Dancing and entertainment shall be prohibited. **(PD)**
 - k. Prior to the sale, service, and consumption of alcoholic beverages in the outdoor dining area, 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. 12-003 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. 12-003 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.

HASHIGO SUSHI

RECEIVED

AUG 03 2012

Dept. of Planning
& Building

January 10, 2012

PROPOSED USE LETTER

Hashigo Sushi has been in business approximately five years. We are fortunate to have been able to build a wonderful formula of delectable food, exceptional staff and good customer base which allows us to serve close to 4,000 customers per month. We have built close and personal relationships with many of our customers and we are confident that we will be doing business in the city of Huntington Beach for many more years to come.

Majority of our customers are from the neighborhood where they work and live. Many of our regulars are older with stable jobs or businesses of their own. We've been asked numerous times when we will serve cocktails or alcoholic beverages other than wine, sake and beer by customers who wish to enjoy their night in the neighborhood rather than drive to Newport Beach or other areas.

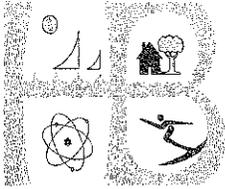
Many Huntington Beach residents prefer dining outside and perhaps having a glass of wine or cocktail while dining. This is why we felt a need to request the type 47 license and permission to serve alcoholic beverages in the patio just outside of our restaurant. The location of this patio is ideal for wine and cocktail service as it is situated in such a way that neighborhood homes are quite a distance away. On the north side of our restaurant is the shopping center parking (back side) and on the south side is another parking lot (front side). On the west side is Delaware Street and there is a large parking lot in between the patio and Delaware Street. On the east side is the rest of the long shopping center buildings. The total square footage for the interior part of the restaurant is 2,000 square feet and the patio is 398 square feet. The restaurant current hours of operation are as follows: Lunch (Monday ~ Saturday) 11:30am - 2:30pm and Dinner (Sunday ~ Thursday) 5:00pm - 9:30pm and (Friday & Saturday) 5:00pm ~ 10:00pm. We are requesting to be able to serve alcoholic beverages inside the restaurant and out on the patio daily until 1:00am. However we will only serve alcohol out on the patio from 5:00pm ~ 1:00am daily. We will post a sign that clearly says **"No Open Containers of Alcoholic Beverages Beyond This Point"** inside the patio next to the gate so that no one takes out a beverage while they're inside the patio. We will also have another sign that says **"Hashigo Private Patio Nightly from 5:00pm - 1:00am"**. **The center gate will have a lock which will be locked everyday from 5:00pm - 1:00am to prevent anyone from entering that are not Hashigo customers.** Our intention is to accommodate our loyal customers by offering more than the usual alcoholic beverages under type 41 and to continue building up our customer base by providing good food, ambience and service. Typical customer age groups at Hashigo are between 28 - 65 years of age so the ambience that we will be creating will be very modest and low key.

We sincerely hope that our good intentions are well understood and that your department will allow us to continue to do good business in the city of Huntington Beach.

On behalf of Hashigo Sushi,

Jimmy Suh / Owner

ATTACHMENT NO. 3.1



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

August 22, 2012

Jimmy Suh
18685 Main Street, Suite 106
Huntington Beach CA 92648

**SUBJECT: CONDITIONAL USE PERMIT NO. 2012-003 (HASHIGO SUSHI RESTAURANT OUTDOOR ALCOHOL SERVICE) – 18685 MAIN STREET #106
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Suh:

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 714-374-1744 (tnghuyen@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

TESS NGUYEN
Associate Planner

Enclosures

cc: Khoa Duong, Building & Safety Division – 714-872-6123
 Herb Fauland, Planning Manager
 Sher Five Points LLC, Property Owner

Kevin Kessler, Police – 714-536-5981
Jason Kelly, Planning Department
Project File

ATTACHMENT NO. 4.1



CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: AUGUST 20, 2012

PROJECT NAME: HASHIGO SUSHI OUTDOOR DINING ALCOHOL SERVICE

PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 12-014

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 12-003

DATE OF PLANS: AUGUST 3, 2012

PROJECT LOCATION: 18685 MAIN STREET #106, HUNTINGTON BEACH

PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER

PLAN REVIEWER: KHOA DUONG, P.E

TELEPHONE/E-MAIL: (714) 872-6123/KHOA@CSGENGR.COM

PROJECT DESCRIPTION: TO PERMIT THE ONSITE SALES, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN APPROXIMATELY 398 SQ. FT. OUTDOOR DINING AREA LOCATED IN FRONT OF AN EXISTING RESTAURANT WITH INTERIOR ALCOHOL SALES AND SERVICE.

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 upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

I. SPECIAL CONDITIONS:

1. None

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the current state building codes adopted by the City at the time of permit application submittal. Currently they are 2010 California Building Code (CBC), 2010 California Mechanical Code (CMC), 2010 California Plumbing Code (CPC), 2010 California Electrical Code (CEC), 2010 California Energy Code, 2010 California Green Building Standards and The Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.
2. Existing restrooms serving new outdoor dining must be accessible to disabled persons. Please provide existing toilet room layout plan show they comply with Section 1115B of 2010 CBC.

3. Outdoor dining must be accessible to disabled persons. Provide fixture layout plan.
 - a. Show wheelchair seating spaces to comply with Section 1104B.5 of 2010 CBC.
 - b. Show aisle width between seating spaces to comply with Section 1133B.6 of 2010 CBC.
4. Doors and gates serving the outdoor dining must comply with Section 1133B.2 of 2010 CBC.
5. Also, please check the number of plumbing fixtures to comply with Table 4-1 of the California Plumbing Code (CPC).

III. COMMENTS:

1. Planning and Building Department encourage the use of pre submittal zoning applications and building plan check meetings.



CITY OF HUNTINGTON BEACH PLANNING DIVISION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: AUGUST 22, 2012
PROJECT NAME: HASHIGO SUSHI OUTDOOR DINING ALCOHOL SERVICE
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 12-014
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 12-003
DATE OF PLANS: AUGUST 3, 2012
PROJECT LOCATION: 18685 MAIN STREET #106, HUNTINGTON BEACH
PLAN REVIEWER: TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 374-1744 / TNGUYEN@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT THE ONSITE SALES, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN APPROXIMATELY 398 SQ. FT. OUTDOOR DINING AREA LOCATED IN FRONT OF AN EXISTING RESTAURANT WITH INTERIOR ALCOHOL SALES AND SERVICE.

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. 12-003:

1. The site plan and floor plan approved by the Planning Commission shall be the conceptually approved design.
2. Prior to issuance of building permits, the Beach and Edinger Corridors Specific Plan fee shall be paid for remodels in the Beach and Edinger Corridors Specific Plan (SP-14) area. (**Resolution No. 2010-80**)
3. The structure(s) cannot be occupied until a Certificate of Occupancy is approved and issued by the Planning & Building Department. (**HBMC 17.04.036**)
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. 12-003 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **(HBZSO Section 241.14)**
6. Conditional Use Permit No. 12-003 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)**
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 12-003 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 and Building 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)**
12. Live entertainment and/or outdoor dining in excess of 400 sq. ft. shall not be permitted unless a conditional use permit for this specific use is reviewed and approved. **(HBZSO Section 211.04)**



**CITY OF HUNTINGTON BEACH
POLICE DEPARTMENT**

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: SEPTEMBER 4, 2012

PROJECT NAME: HASHIGO SUSHI OUTDOOR ALCOHOL SERVICE

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 12-014

PROJECT LOCATION: 18685 MAIN STREET #106

PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER

PLAN REVIEWER: KEVIN KESLER, VICE UNIT/PD

TELEPHONE/E-MAIL: 5981 / KESLER@HBPD.ORG

PROJECT DESCRIPTION: TO PERMIT THE ONSITE SALES, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN APPROXIMATELY 398 SQ. FT. OUTDOOR DINING AREA LOCATED IN FRONT OF AN EXISTING RESTAURANT WITH INTERIOR ALCOHOL SALES AND SERVICE.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated 8/3/2012. 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. Prior to sales, service or consumption of alcoholic beverages on the outdoor patio the business shall obtain an ABC license authorizing alcohol use on the outdoor patio.
2. The patio shall be for the sole use of Hashigo Sushi customers to prevent alcohol from being easily handed from the dining area to the surrounding sidewalks and walkways where people may loiter.
3. The patio area shall have only one entry/exit point. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT".

4. An employee shall maintain continuous supervision at all times of the patio area when the patio area is being utilized for the sales, service or consumption of alcoholic beverages.
5. The sale of alcoholic beverages in the outdoor dining area shall be made only in conjunction with the sale of food to the person ordering the beverage.
6. No patron/customers are allowed to carry an alcoholic beverage from the interior portion of the restaurant to the patio area, nor from the patio area to the interior of the restaurant.
7. 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 area.
8. No dining or consumption of alcoholic beverages will be permitted on the outdoor patio area between the hours of midnight and 7:00 AM the following day.
9. All outdoor areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons.
10. Dancing and entertainment shall be prohibited.