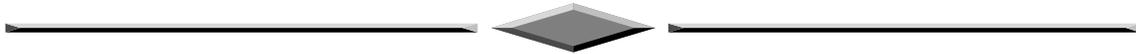


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Hayden Beckman, Assistant Planner
DATE: June 4, 2014

SUBJECT: **CONDITIONAL USE PERMIT NO. 14-008/ COASTAL DEVELOPMENT PERMIT NO. 14-007 (HIMALAYAN GRILL RESTAURANT EXPANSION AND ALCOHOL SALES- CONTINUED FROM THE MAY 21, 2014, MEETING)**

LOCATION: 16400 Pacific Coast Highway, Suites 110 & 101 (East side of PCH, south of Anderson St.)



Applicant: Dinesh Poudel, 16400 Pacific Coast Highway, Ste. 110, Huntington Beach, CA 92649

Property Owner: Taki Sun, Inc., 6621 E. Pacific Coast Highway, Ste. 280, Long Beach, CA 90803

Request: **CUP:** To permit the sales and consumption of alcohol (beer and wine) within the new dining area of a proposed restaurant expansion and an existing 240 sq. ft. outdoor dining patio. **CDP:** To permit the expansion of an existing 1,200 sq. ft. restaurant into an adjacent 668 sq. ft. commercial tenant space.

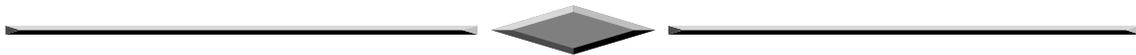
Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Coastal Status: Appealable Jurisdiction

Zone: CV – CZ (Commercial Visitor – Coastal Zone)

General Plan: CV – F2 – d (Commercial Visitor – Max Floor Area Ratio 0.50 – Design Overlay)

Existing Use: Existing restaurant and adjacent retail tenant space



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of minor alterations to an existing commercial building involving no expansion in the overall floor area of the structure.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-008:

1. Conditional Use Permit No. 14-008 to permit the onsite sales, service, and consumption of alcoholic beverages within an approximately 668 sq. ft. restaurant expansion area and a 240 square foot outdoor dining patio 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 existing restaurant received approval for onsite alcohol (beer and wine) sales and consumption via Conditional Use Permit No. 07-018. The proposed restaurant expansion area is located within the interior of the commercial building and more than 250 feet from the nearest residential uses. Nearby residences will be buffered from the restaurant by parking lots, buildings, and Pacific Coast Highway. The proposed restaurant expansion will not generate additional noise, traffic, or safety impacts beyond that which already exists in the surrounding area.
2. The conditional use permit will be compatible with surrounding uses because the onsite sales, service, and consumption of alcohol will be ancillary to the restaurant use. The proposed use will occur entirely within indoor and outdoor areas controlled by the staff of the restaurant and operate during business hours similar to other commercial uses within the vicinity. The restaurant is located within an existing multi-tenant shopping center and will be compatible with adjacent uses which provide services to nearby residents and visitors.
3. The proposed sales, service, and consumption of alcoholic beverages within an approximately 668 sq. ft. restaurant expansion area and a 240 square foot outdoor dining patio will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The restaurant expansion with alcoholic beverage service is located within an existing commercial center, which conforms to applicable site development standards in terms of minimum off-site parking requirements. The sales, service and consumption of alcoholic beverages are permitted in the CV (Commercial Visitor) zoning district subject to approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial Visitor (CV) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

Policy LU 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.

B. Economic Development 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 area.

The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located within an existing commercial center, which includes service and retail uses, and other restaurants with outdoor dining. Based upon the operational conditions imposed, the restaurant is not anticipated to result in negative impacts on adjacent properties.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 14-007:

1. Coastal Development Permit No. 14-007 to permit the expansion of an existing 1,200 sq. ft. restaurant into an adjacent 668 sq. ft. commercial tenant space conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following policies:

Policy – C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Policy – C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.

The proposed use is similar to and compatible with existing uses in the Peter's Landing shopping center. It will be located within the interior of an existing commercial building to serve the residents in the community as well as visitors to the area.

2. The expansion of an existing restaurant is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable land use controls and development standards, including on-site parking requirements.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project involves interior tenant improvements on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-008 / COASTAL DEVELOPMENT PERMIT NO. 14-007:

1. The site plan, floor plans, and elevations received and dated February 27, 2014 shall be the conceptually approved design with the following modification:
 - a. Depict the existing outdoor dining area on the site plan with dimensioned measurements. The outdoor dining area shall not exceed 400 square feet unless additional parking is provided for the entire outdoor area.
2. The use shall comply with the following:
 - a. The hours of operation shall be between 11:00 AM and 10:00 PM Monday through Sunday.
 - b. Consumption of alcohol on the premises shall be limited to the conditions contained in the ABC Type 41 license (On Sale Eating Place – Beer and Wine).
 - c. Prior to sales, service, or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing alcohol use on the outdoor patio. **(PD)**
 - d. All alcoholic beverages shall remain within the interior of the restaurant or the existing outdoor 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 areas including the outdoor dining area. **(PD)**
 - e. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
 - f. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
 - g. Signs shall be posted in a conspicuous space at the entrance/exit points of the patio, which shall state, “NO ALCOHOLIC BEVERAGES BEYOND THIS POINT”. **(PD)**
 - h. 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. **(PD)**
 - i. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment is not allowed on the patio. **(PD)**
 - j. 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. **(PD)**
 - k. 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)**

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.