

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

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: December 2, 2009
SUBJECT: **CONDITIONAL USE PERMIT NO. 2009-007 (WOODY'S DINER)**
LOCATION: 10136 Adams Avenue, 92646 (south of Adams Avenue, east of Brookhurst Street)

Applicant: Charles Ramm, Charles Ramm Associates, Inc., 25826 Las Vegas Avenue, #201, Capistrano Beach, CA 92624

Property Owner: L.C. Smull Business Properties, 17631 Fitch, Irvine, CA 92614

Request: To permit the establishment of onsite alcohol sales within a restaurant and outdoor dining area. The request also includes the establishment of 5,500 sq. ft. restaurant and an approximately 600 sq. ft. outdoor dining area.

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

Zone: CG (Commercial General)

General Plan: CG – F1 (Commercial General – 0.35 maximum floor area ratio)

Existing Use: Vacant Commercial Suite

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

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because 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. 2009-007:

1. Conditional Use Permit No. 2009-007 for the establishment of onsite alcohol sales within a 5,500 sq. ft. restaurant and a 600 sq. ft. outdoor dining area located within an existing commercial development 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 sale of alcohol within the restaurant and outdoor dining area is not anticipated to generate additional noise, traffic, or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. The main entrance of the restaurant and outdoor dining area are oriented toward Adams Avenue, away from adjacent residential uses. Residential uses to the south and east of the subject site are adequately buffered from the restaurant and outdoor dining area by a minimum 300 ft. separation which includes a parking lot, one-story commercial building, and a 6 ft. high perimeter block wall. The outdoor dining area is surrounded by a 3 ft. 6 in. high block wall. The site provides the necessary parking to accommodate the proposed restaurant.
2. The conditional use permit will be compatible with surrounding uses because the onsite sale and consumption of alcohol will be ancillary to a restaurant use and occur entirely within the building and outdoor dining area within an established commercial shopping center containing similar and complementary uses. The outdoor dining area represents a negligible expansion of the restaurant use. It is adequately buffered from residential land uses to ensure no detrimental impact.
3. The proposed Conditional Use Permit 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 and any specific condition required for the use in the district in which it is located. The proposed use is permitted within the CG (Commercial General) zoning district pursuant to Section 211.04 of the HBZSO—CO, CG, and CV Districts: *Land Use Controls*. The restaurant and outdoor dining area with alcohol sales will be located within an existing commercial center, which conforms to applicable site development standards including minimum on-site parking and minimum required setbacks.
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 General on the subject property. In addition, it is consistent with the following policy and objective of the General Plan:

A. Land Use Element

Policy 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.

B. Economic Development Element

Objective ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The requested conditional use permit will accommodate existing development by allowing the establishment of a restaurant and outdoor dining area with alcohol sales. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-007:

1. The site plan, floor plans, and elevations received and dated October 27, 2009 shall be the conceptually approved design.
2. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. Only the uses/activities described in the project narrative dated received May 19, 2009 shall be permitted.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.