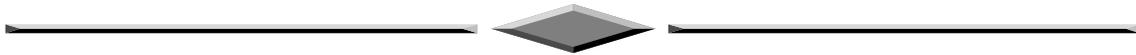


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: June 20, 2012

SUBJECT: **ENTITLEMENT PLAN AMENDMENT NO. 12-06 (GREEN STREET CAFÉ –
AMENDMENT TO CONDITIONAL USE PERMIT NO. 08-39)**

LOCATION: 4911 Warner Avenue, Suite No. 102, 92649 (northwest corner of Green Street and Warner Avenue)



Applicant: Peter Kourkoulis, 4911 Warner Avenue, Suite No. 109, Huntington Beach, CA 92648

Property Owner: Art Jan, 4911 Warner Avenue, Suite No. 109, Huntington Beach, CA 92648

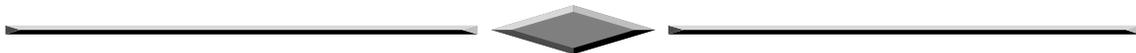
Request: To amend Conditional Use Permit No. 08-39 to permit the service and consumption of alcoholic beverages within a proposed 500 sq. ft. outdoor dining area of an existing 1,200 sq. ft. restaurant.

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 – Maximum 0.35 Floor Area Ratio)

Existing Use: Restaurant



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 involves no expansion of the existing restaurant use.

SUGGESTED FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 12-06:

1. Entitlement Plan Amendment No. 12-06 to amend Conditional Use Permit No. 08-39 to permit the service and consumption of alcoholic beverages within a outdoor dining area 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 alcohol sales and service and outdoor dining area will not generate noise, traffic, demand for parking, or other impacts above that which currently exists and inconsistent with the subject property's zoning. The restaurant will continue to serve food and beverages in conjunction with the proposed use. The outdoor dining area, which is conditioned not to exceed 400 sq. ft., will be located in front of the restaurant suite, surrounded by the building. Nearby residential uses to the west, north, and south of the subject property are buffered from potential noise impacts by the building, landscaping, parking lot, and existing streets. The outdoor dining area will not block entrances to adjacent businesses. As conditioned, a four-foot wide walkway will be provided around the fenced outdoor dining area to accommodate adequate pedestrian access.
2. The entitlement plan amendment will be compatible with surrounding uses because the proposed use is located within an existing commercial development containing similar and complementary uses. The sales and service of alcohol within the outdoor dining area will be ancillary to an existing restaurant use which is approved for alcohol service within the interior of the building. The proposed business hours are similar to other commercial uses within the vicinity. The restaurant is consistent with adjacent uses, which serve nearby residents and visitors.
3. The proposed Entitlement Plan Amendment No. 12-06 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 outdoor dining area, as conditioned not to exceed 400 sq. ft., will not require additional parking beyond which already exists onsite. The restaurant has an existing conditional use permit with a restriction limiting the sales and service of alcohol within the interior of the building. The Entitlement Plan Amendment will amend the condition to permit alcohol service within a new outdoor dining area.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – Max. 0.35 Floor Area Ratio). In addition, it is consistent with the following goals 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 visitors in the surrounding region. It will be located within an existing commercial development, which includes restaurant and retail uses. The restaurant with alcohol sales and service within the outdoor dining area is not anticipated to result in negative impacts on surrounding uses. The outdoor dining area is sufficiently buffered from residential uses by the building, landscaping, parking lot, and streets. The ancillary use is not anticipated to impact surrounding noise-sensitive land uses.

SUGGESTED CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 12-06:

1. The site plan received and dated April 17, 2012, shall be the conceptually approved design with the following modifications:
 - a. The outdoor dining area shall be reduced to 400 square feet on the site plan.
 - b. The site plan shall depict a four-foot wide walkway around the perimeter of the outdoor dining area, which includes the removal of landscaping.
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 & Building Department for the entitlement file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. The use shall comply with the following:
 - a. All conditions of approval per Conditional Use Permit No. 08-39 shall comply with the exception of Condition No. 2b.
 - b. All alcoholic beverages shall be limited to within the interior of the restaurant and the fenced outdoor dining area. **(PD)**
 - c. The outdoor dining area shall not exceed 400 square feet.
 - d. A protective barrier along the perimeter of the outdoor dining area shall be maintained at all times. **(PD)**
 - e. The outdoor dining area shall be closed between the hours of 12:00 AM and 5:00 AM daily. **(PD)**
 - f. A sign shall be clearly posted prohibiting alcoholic beverages outside of the outdoor dining area. **(PD)**
 - g. Service of alcoholic beverages for off-site consumption shall be prohibited. **(PD)**

- h. Dancing and entertainment shall be prohibited unless approved by a conditional use permit.
 - i. The use conditions listed herein shall be clearly posted on the premises at all times.
- 4. EPA No. 12-06 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 & Building Department a minimum 30 days prior to the expiration date.
- 5. The Director of Planning & Building ensures that all conditions of approval herein are complied with. The Director of Planning & Building shall be notified in writing of any changes to the conceptually approved plans. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
- 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/green-building-guidelines-rating>

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.