



Legislation Details (With Text)

File #: 20-1529 **Version:** 1
Type: Public Hearing **Status:** Agenda Ready
File created: 3/12/2020 **In control:** Planning Commission
On agenda: 5/26/2020 **Final action:**
Title: ENTITLEMENT PLAN AMENDMENT NO. 20-021 (BEACH HUT DELI PATIO EXPANSION)

REQUEST:

To amend Conditional Use Permit No. 13-001 to add approximately 447 sq. ft. to an existing 447 sq. ft. outdoor dining area for a total of 894 sq. ft. and to allow the existing onsite sales, service and consumption of beer and wine (Type 41 ABC License) within the expanded outdoor dining area.

LOCATION:

19025 Beach Boulevard, 92648 (southwest corner of Beach Blvd. and Garfield Ave.)

Attachments: 1. Att #1: Findings and Conditions, 2. Att #2: Vicinity Map, 3. Att #3: Plans, 4. Att #4: Narrative, 5. Att #5: Code Requirements, 6. Att #6: CUP 13-001 NOA

Date	Ver.	Action By	Action	Result
5/26/2020	1	Planning Commission		

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Ursula Luna-Reynosa, Director of Community Development
BY: Jane James, Planning Manager

SUBJECT: ENTITLEMENT PLAN AMENDMENT NO. 20-021 (BEACH HUT DELI PATIO EXPANSION)

REQUEST:

To amend Conditional Use Permit No. 13-001 to add approximately 447 sq. ft. to an existing 447 sq. ft. outdoor dining area for a total of 894 sq. ft. and to allow the existing onsite sales, service and consumption of beer and wine (Type 41 ABC License) within the expanded outdoor dining area.

LOCATION:

19025 Beach Boulevard, 92648 (southwest corner of Beach Blvd. and Garfield Ave.)

APPLICANT:

Katherine Baker, P.O. Box 3071, San Diego, CA 92163

**PROPERTY
OWNER:**

Roberta Degener, Sunbrewer Partners, L.P., 9875 Carmel Mountain Road, San Diego, CA 92129

STATEMENT OF ISSUE:

1. Is the project proposal consistent with the City of Huntington Beach's adopted land use regulations (i.e. General Plan, Zoning Map and Zoning Code including any specific plans and overlay districts where applicable)?
2. Does the project proposal satisfy all the findings required for approving a Conditional Use Permit?
3. Has the appropriate level of environmental analysis been determined?

RECOMMENDATION:

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities.
- B) Approve Entitlement Plan Amendment No. 20-021 with suggested findings and conditions of approval (Attachment No.1).

ALTERNATIVE ACTION(S):

- A) Do not make the suggested findings, which will result in a mandatory denial per Section 241.10(c) of the Huntington Beach Zoning and Subdivision Ordinance.
- B) Continue Entitlement Plan Amendment No. 20-021 and direct staff accordingly.

PROJECT PROPOSAL:

Entitlement Plan Amendment No. 20-021 represents a request to amend Conditional Use Permit No. 13-001 to add approximately 447 sq. ft. to an existing 447 sq. ft. outdoor dining area for a total of 894 sq. ft. and to allow the existing onsite sales, service and consumption of beer and wine (Type 41 ABC License) within the expanded outdoor dining area. The expansion of an approved outdoor dining area with beer and wine sales requires the approval of an entitlement plan amendment by the Planning Commission pursuant to Section 2.2.1 of the Beach and Edinger Corridors Specific Plan (BESCP).

The project site is an existing restaurant known as Beach Hut Deli and is located within the Beach Garfield Shopping Center, an approximately 8.1 acre commercial center on the southwest corner of Beach Boulevard and Garfield Avenue. The restaurant is located within a one-story commercial pad building at the northeast corner of the site fronting Garfield Avenue. The restaurant was approved by Conditional Use Permit No. 13-001, which allowed beer and wine sales (Type 41 ABC License) and live entertainment within the dining area only. The beer and wines sales and live entertainment will continue at the restaurant. The project involves minor alterations to the existing patio area fronting Garfield Avenue.

The restaurant proposes to continue operating as approved per Conditional Use Permit No. 13-001 within the hours of 10:00 am and 10:00 pm Sunday through Thursday, and 10:00 am to 12:00 am Friday and Saturday. The outdoor dining area hours of operation will be conditioned to be limited to

7:00 am to 10:00 pm, daily. Conditional Use Permit No. 13-001 prohibited outdoor dining area usage from 10:00 pm to 10:00 am, daily; however, to be consistent with recently approved outdoor dining areas, staff recommend prohibit hours from 10:00 pm to 7:00 am, daily, as suggested by the Police Department.

ISSUES AND ANALYSIS:

Subject Property And Surrounding General Plan Designations, Zoning And Land Uses:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	M - sp (Mixed Use - Specific Plan Overlay)	SP 14 (Beach and Edinger Corridors Specific Plan)	Commercial
North, South, and East of Subject Property:	M - sp (Mixed Use - Specific Plan Overlay)	SP 14 (Beach and Edinger Corridors Specific Plan)	Commercial
West of Subject Property:	RM (Residential Medium Density)	RM (Residential Medium Density)	Multi-Family Residential

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is M - sp (Mixed Use - Specific Plan Overlay). The proposed project is consistent with this designation and the goals, policies, and objectives of the City's General Plan as follows:

Land Use Element

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11(A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The proposed entitlement plan amendment will continue to expand the range of goods and services provided in the area by allowing the expansion of an existing outdoor dining area with the onsite sales, service and consumption of beer and wine in a safe manner for residents and customers from the surrounding area. Conditions have been added to the request which limit the use and manner in which the expanded outdoor dining area operates to ensure the proposed request will be compatible with the surrounding neighborhood while providing a service that meets the needs of the community and creating an opportunity to increase the capture of sales tax revenue.

Zoning Compliance:

The proposed project is located within the Neighborhood Center segment of the BECSP and the request compiles with the requirements within that segment. Outdoor dining in BECSP is a permitted use; however, expanding the existing onsite sales, service and consumption of beer and wine within the proposed outdoor dining area requires the approval of a conditional use permit or an entitlement plan amendment of an approved conditional use permit by the Planning Commission.

The addition of 447 sq. ft. to an existing 447 sq. ft. outdoor dining area does increase required

parking. Based on the existing land uses onsite, including the existing and proposed outdoor dining area, the total required parking spaces for the entire commercial center is 325 spaces and there are 458 spaces provided, resulting in a surplus of 133 parking spaces. In addition, the expanded patio area meets all required setbacks required within the Neighborhood Center segment of the BECSP.

The BECSP and General Plan land use designation anticipated restaurant uses with outdoor dining areas and the onsite sales, service and consumption of beer and wine in this area. The expansion of the patio area and the beer and wine service is ancillary to the primary restaurant use and will serve to augment the overall dining experience.

The nearest residential use is at a sufficient distance from the proposed use (approximately 540 ft. away to the west) and is buffered by the building, a drive aisle and Florida Street. In addition, all restaurant operations and approved live entertainment will continue to occur within the interior of the restaurant and the outdoor dining area fronts Garfield Avenue; therefore, with the suggested conditions of approval, no significant impacts are anticipated.

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 a minor addition to an existing outdoor dining area involving a negligible expansion of an existing use.

Coastal Status:

Not applicable.

Design Review Board:

Not applicable.

Subdivision Committee:

Not applicable.

Other Departments Concerns and Requirements:

The Departments of Building, Fire and Community Development have reviewed the project and identified a list of code requirements (Attachment No. 5) applicable to the project.

The Police Department has reviewed the request and recommends several conditions of approval to regulate and monitor the general sale and service (Attachment No. 1). The Police Department's recommendations ensure the establishment preserves a restaurant atmosphere, avoids noise disturbances, and complies with City and State law regarding alcohol sale 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. Staff recommends provisions such as limiting promotions for happy hours or reduced prices for alcohol and limiting the hours of alcohol sale and consumption inside the restaurant and in the outdoor patio area.

Public Notification:

Legal notice was published in the Huntington Beach Wave on May 14, 2020 and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations request notification (Planning Division's Notification Matrix), applicant, and interested parties. As of May 19, 2020, no communications supporting or opposing the request have

been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:
February 25, 2020

MANDATORY PROCESSING DATE(S):
April 25, 2020

SUMMARY:

Staff recommends that the Planning Commission approve the proposed project based on the following:

- Consistent with the M-sp (Mixed Use - Specific Plan Overlay) Land Use Designation of the General Plan and the SP 14 - Beach and Edinger Corridors Specific Plan zoning designation.
- Implements the objectives of BECSP to improve the vitality of the Beach Boulevard corridor.
- Provides a commercial development that is consistent with the BECSP development code and compatible with the surrounding existing and anticipated land uses.
- Provides expanded services to meet local and regional community needs.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval for Entitlement Plan Amendment No. 20-021
2. Vicinity Map
3. Site Plan and Floor Plan received and dated February 3, 2020
4. Narrative received and dated February 3, 2020
5. Code Requirements Letter dated March 12, 2020
6. Conditional Use Permit No. 13-001 Notice of Action approved by Planning Commission