



City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Jill Arabe, Assistant Planner *JA*
DATE: June 28, 2011

SUBJECT: CONDITIONAL USE PERMIT NO. 11-011 (BT'S SOUTHERN BBQ RESTAURANT ALCOHOL SALES)

**APPLICANT/
BUSINESS**

OWNER: David Block, 9862 Lapworth Circle, Huntington Beach, CA 92646

PROPERTY

OWNER: Youssef Ibrahim, The Frank M. Doyle Foundation, P.O. Box 3131, Huntington Beach, CA 92605

LOCATION: 7144 Edinger Avenue, 92647 (southeast corner of Edinger Ave. & Goldenwest St.)

STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 11-011 request:
 - Permit the sales and service of alcoholic beverages (beer and wine) for on-site consumption within a 1,200 sq. ft. eating and drinking establishment.
- ◆ Staff's Recommendation:

Approve Conditional Use Permit No. 11-011 with staff's suggested conditions of approval based upon the following:

 - The proposed use will comply with General Plan goals, objectives, and policies.
 - The proposed ancillary use of alcohol sales and service as conditioned will not generate negative impacts to adjacent uses.
 - The restaurant was previously approved as an eating and drinking establishment with more than 12 seats and is compatible with existing commercial uses in the shopping center.

RECOMMENDATION:

Motion to:

“Approve Conditional Use Permit No. 11-011 with findings and suggested conditions of approval (Attachment No. 1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Continue Conditional Use Permit No. 11-011 and direct staff accordingly.”
- B. “Deny Conditional Use Permit No. 11-011 with findings for denial.”

PROJECT PROPOSAL:

Conditional Use Permit No. 11-011 represents a request to permit the sales and service of alcoholic beverages (beer and wine) for on-site consumption within a 1,200 sq. ft. eating and drinking establishment, pursuant to SP-14, Book II Section 2.2.1-1d (Beach and Edinger Corridors Specific Plan).

The hours of operation for the restaurant are between 11:00 AM and 9:00 PM on the weekdays and between 11:00 AM and 10:00 PM on the weekends. The use is within an existing commercial shopping center, which includes retail, eating and drinking establishments, and offices. The applicant’s reason for the request is that they believe an important part of their dining experience is having the ability to serve high quality beer and wine with the barbeque meals. (Attachment No. 2)

Background:

The City approved Use Permit No. 76-52 for the construction of approximately 180,000 sq. ft. shopping center with 877 parking spaces. In 1996, an eating and drinking establishment with more than 12 seats was approved within the 1,200 sq. ft. subject suite in conjunction with a reduced parking ratio for the shopping center.

Study Session:

At the June 14, 2011 study session, the Planning Commission had questions regarding the emissions control of the restaurant and the maximum occupancy permitted. As part of the Certificate of Occupancy application, the applicant discloses the types of equipment and operations that will be present within the restaurant. The restaurant owners are then required to contact South Coast Air Quality Management District (AQMD) and comply with their standards. Upon compliance, a clearance letter is given by AQMD. No other requirements are enforced by City staff with the exception of Building, Fire, Zoning and City codes. Based on the restaurant use and occupied space of 1,200 sq. ft., the occupancy load is 31.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	M-sp-d (Mixed use – specific plan overlay – design overlay)	SP-14-FP2 (Beach & Edinger Corridors Specific Plan – Floodplain Overlay 2)	Commercial
North of Subject Property (across Edinger Ave.):	P(CG-F1) (Public(Commercial General – 0.35 FAR))	PS (Public-Semipublic)	Goldenwest College
East of Subject Property:	M-sp-d	SP-14-FP2	Commercial
South of Subject Property:	RL-7 (Residential Low Density – 7du/acre)	RL-FP2 (Residential Low Density – Floodplain Overlay 2)	Residential
West of Subject Property (across Goldenwest St.):	M-sp-d	SP-14	Commercial

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) and Subarea of 5C Edinger Corridor. The proposed project is consistent with this designation and the goals, policies, and objectives of the City’s General Plan as follows:

A. Land Use Element

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 subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

The proposed use increases the economic viability of the establishment by offering the sales and service of alcoholic beverages to accommodate the needs of residents and visitors. The restaurant use with more than 12 seats was previously approved for the unit and is consistent with the existing commercial uses in the shopping center.

B. Noise Element

Objective N 1.8 Minimize the generation of excessive noise level impacts from entertainment and restaurant/bar establishments into adjacent residential or “noise sensitive” land uses.

The proposed use of alcohol sales and service is not anticipated to result in negative impacts on adjacent uses. The restaurant and alcohol service will be limited to between the hours of 11 AM and 10 PM. The dining area is located at the front of the unit and oriented away from residential uses. The building is sufficiently buffered from adjacent residences by an approximate 40 ft. wide drive aisle and minimum 6 ft. high blockwall. With the alcohol service limited to the interior of the unit, proposed hours and building setback, the proposed use is not anticipated to impact surrounding noise-sensitive land uses.

Zoning Compliance:

This project is located in the SP-14-FP2 (Beach & Edinger Corridors Specific Plan – Floodplain Overlay 2) and complies with the requirements of that zone. There is no physical expansion of the approved development proposed as part of this request.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

The proposed project is categorically exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act, which states that minor alterations and operation of existing structures involving negligible or no expansion of use beyond that existing are exempt from further environmental review.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Planning and Building, and Police have reviewed the application and identified suggested conditions of approval (Attachment No. 1) and applicable code requirements (Attachment No. 4).

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on June 16, 2011, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Division’s Notification Matrix), applicant, and interested parties. As of June 21, 2011, no public comments have been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

MANDATORY PROCESSING DATE(S):

May 12, 2011

July 11, 2011

Conditional Use Permit No. 11-011 was filed on April 12, 2011. The application was reviewed by the Planning Commission as a study session item on June 14, 2011.

ANALYSIS:

Land use / Compatibility

Staff supports the proposed ancillary use of alcohol sales and service to the previously established restaurant use. The use is compatible because it is located within an existing commercial center. It is not anticipated to generate negative impacts to adjacent uses. The proposed hours of operation are between 11 AM and 10 PM, which is consistent with surrounding commercial uses. The sales and service of alcohol is limited to the interior of the building and as conditioned food from the regular menu will be served up to one hour before closing. The building is located approximately 40 ft. north of adjacent residences and the dining area is oriented away from noise-sensitive uses. The project as proposed and modified by suggested conditions of approval will not be a detriment to the area.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – Conditional Use Permit No. 11-011
2. Project Narrative received and dated April 12, 2011
3. Site and Floor Plan received and dated April 12, 2011
4. Code Requirements Letter dated June 2, 2011 (for informational purposes only)
5. Notice of Action dated April 5, 1996 (CUP No. 96-7)
6. Notice of Action dated (Use Permit No. 76-52)

SH:HF:JA:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 11-011

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 exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301, Class 1, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-011:

1. Conditional Use Permit (CUP) No. 11-011 to permit the sales and service of alcoholic beverages for on-site consumption within a 1,200 sq. ft. restaurant 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 use is not anticipated to generate adverse noise or safety impacts to the surrounding businesses and residents. It is ancillary to the existing restaurant and the dining area is located at the front of the unit, oriented toward the north parking lot and away from residential uses to the south. The restaurant use was previously approved by CUP No. 96-7 to operate with more than 12 seats. In addition, the restaurant is adequately buffered from adjacent residences by a minimum 6 ft. high block wall and approximate 40 ft. drive aisle width.
2. The proposed sales and service of alcoholic beverages ancillary to an eating and drinking establishment is compatible with surrounding uses because it is located within an existing commercial center and surrounded by similar commercial uses. The proposed dining area is located at the front of the unit, oriented toward the north parking lot and away from residential uses to the south. As conditioned, the sales and service of alcohol will be limited to the interior of the building. The proposed hours of operation are also consistent with existing commercial uses and therefore will not generate impacts to adjacent noise-sensitive uses above the existing conditions.
3. The proposed sales and service of alcoholic beverages will comply with the provisions of the Beach and Edinger Corridors Specific Plan, other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use. The proposed use for alcohol sales and service requires a conditional use permit subject to review and approval by the Planning Commission. Because the restaurant use with more than 12 seats was previously approved by CUP No. 96-7, parking requirements applicable to the use is in compliance.
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 M-sp-d (Mixed Use – specific plan – design overlay) on the subject property. In addition, it is consistent with the following policies and objectives of the General Plan:

A. Land Use Element

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 subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

The proposed use increases the economic viability of the establishment by offering the sales and service of alcoholic beverages to accommodate the needs of residents and visitors. The restaurant use with more than 12 seats was previously approved for the unit and is consistent with the existing commercial uses in the shopping center.

B. Noise Element

Objective N 1.8 Minimize the generation of excessive noise level impacts from entertainment and restaurant/bar establishments into adjacent residential or “noise sensitive” land uses.

The proposed use of alcohol sales and service is not anticipated to result in negative impacts on adjacent uses. The restaurant and alcohol service will be limited to between the hours of 11 AM and 10 PM. The dining area is located at the front of the unit and oriented away from residential uses. The building is sufficiently buffered from adjacent residences by an approximate 40 ft. wide drive aisle and minimum 6 ft. high blockwall. With the alcohol service limited to the interior of the unit, proposed hours and building setback, the proposed use is not anticipated to impact surrounding noise-sensitive land uses.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-011:

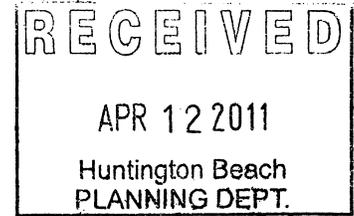
1. The site plan and floor plan received and dated April 12, 2011 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. All exterior doors shall remain closed during business hours. The doors shall not consist solely of ventilated or security screen door. **(PD)**
 - b. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for offsite consumption shall be prohibited. **(PD)**
 - c. Food from the regular menu shall be available during regular business hours up until at least one hour prior to the scheduled closing time. **(PD)**

- d. All areas to be utilized for the sales, service and consumption of alcoholic beverages shall be sufficiently illuminated to allow for the clear identification of patrons. **(PD)**
 - e. Dancing and entertainment without the approval of a conditional use permit shall be prohibited.
 - f. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning & Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - g. The use conditions listed herein shall be clearly posted on the premises at all times.
 - h. The sales and consumption of alcoholic beverages shall not be permitted between the hours of 10 PM and 11 AM the following day.
3. Conditional Use Permit No. 11-011 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.
4. 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.

City of Huntington Beach
Planning Department
2000 Main Street
Huntington Beach, CA 92646



RE: BT's Southern BBQ, LLC
Conditional Use Permit
Application for Beer and Wine
7144 Edinger Ave
Huntington Beach, CA 92647

To whom it may concern,

On Behalf of BT's Southern BBQ, we are pleased to provide for your review and approval, an application for a Conditional Use Permit to serve Beer and Wine at 7144 Edinger Avenue. This existing space, located within the shopping center at the southeast corner of Edinger and Goldenwest Avenue, was previously a restaurant. This space already has an existing Conditional Use Permit for restaurant use.

Over the last two years we have operated our business as a mobile catering company serving high quality BBQ at local events, fairs and private parties. We have served our famous Bar-B-Que at events such as the Irvine Lake Mud Run benefitting OC Boys and Girls clubs and Gavin's Groupies, OC Brew Ha-Ha benefitting Fallen Firefighters and OC Blues Fest benefitting OC Boys and Girls clubs. Without fail at every event there was one question we were guaranteed to hear; "Where is your restaurant?" We continued to perfect our craft while searching for the right location to fulfill a childhood dream. After a year and a half of searching, we believe we found the perfect location. It just so happens to be located in my home town of Huntington Beach.

The vision of BT's is a small, family BBQ joint. Nothing fancy, just the best BBQ around. This is a place where the family can come in after soccer, little league or a high school football games and sit down to their favorite food having an inviting backyard BBQ feel. An important part of our dining experience is having the ability to serve high quality beer and wine with the BBQ meals.

Operationally, we will have approximately 5-7 employees and will be open at 11 am and will close at 9 pm during the week and 10 pm on weekends.

Our intent is to become an important part of the community by sponsoring local leagues and community events as well as our chosen charity Susan G Komen for the Cure in honor of my maternal Grandmother, and also my Aunt Kathy and Aunt Helen. I have lived in Huntington Beach since 1997 and have seen lots of changes over the years. I am very excited about all the renovations that are happening on the Edinger corridor and see this restaurant as an excellent opportunity to be part of that progress.

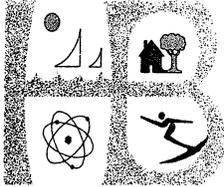
ATTACHMENT NO. 2.1

Thank you for taking the time to review our application for a Conditional Use Permit for
BT's Southern BBQ on Edinger

Sincerely

A handwritten signature in black ink, appearing to be "Dave Block", written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

Dave Block
Brad Taylor
BT's Southern BBQ, LLC



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

June 2, 2011

David Block
9862 Lapworth Circle
Huntington Beach, CA 92646

**SUBJECT: CONDITIONAL USE PERMIT NO. 2011-011 (BT'S SOUTHERN BBQ ALCOHOL SALES) – 7144 EDINGER AVENUE
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Applicant,

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 jarabe@surfcity-hb.org or (714) 374-5357 and/or the respective source department (contact person below).

Sincerely,

JILL ARABE
Assistant Planner

Enclosure

cc: Kevin Kesler, Police Dept.—(714) 536-5994
Herb Fauland, Planning Manager
The Frank M. Doyle Foundation, Property Owner
Project File



CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JUNE 2, 2011

PROJECT NAME: BT'S SOUTHERN BBQ RESTAURANT

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 11-011

PROJECT LOCATION: 7144 EDINGER AVE., 92647 (SOUTHEAST CORNER OF EDINGER AVE. AND GOLDENWEST ST.)

PROJECT PLANNER: JILL ARABE, ASSISTANT PLANNER

PLAN REVIEWER: KEVIN KESLER, DETECTIVE-VICE UNIT

PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT OF A 1,200 SQ. FT. RESTAURANT WITH ALCOHOL SALES AND SERVICE.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated April 12, 2011. 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.

The proposed modification alters the business design and function from a retail space to a full service restaurant with alcohol sales. The Police Department does not believe the modification will significantly affect the business activity or increase the potential for public nuisances, as the locations primary emphasis will be operating as a full service restaurant.

In order to prevent the location from operating as a night club or public premise, and to reduce the potential for noise concerns to the surrounding community, the Police Department recommends the following conditions be added to the new Conditional Use Permit.

1. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least 60 minutes prior to the scheduled closing time.
2. All alcoholic beverages shall remain within the interior of the restaurant and bar. Service of alcoholic beverages for consumption off-site will not be permitted.
3. In order to reduce noise disturbances to the residential community located less than 100 feet from the south end of the building, all exterior doors will remain closed during business hours. The said door shall not consist solely of a ventilated or security screen door.

ATTACHMENT NO. 4.2

4. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons.
5. Dancing and entertainment shall be prohibited.



HUNTINGTON BEACH PLANNING DIVISION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: MAY 20, 2011
PROJECT NAME: BT'S SOUTHERN BBQ RESTAURANT ALCOHOL SALES
PLANNING APPLICATION NO. 2011-0056
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 11-011
DATE OF PLANS: APRIL 12, 2011
PROJECT LOCATION: 7144 EDINGER AVE., 92647 (SOUTHEAST CORNER OF EDINGER AVE. AND GOLDENWEST ST.)
PLAN REVIEWER: JILL ARABE, ASSISTANT PLANNER
TELEPHONE/E-MAIL: (714) 374-5357 / JARABE@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT THE SALES AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN A 1,200 SQ. FT. EATING & DRINKING ESTABLISHMENT.

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. 11-011:

1. The site plan, floor plans, and elevations 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 use shall comply with the following:

- a. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be subject to approval of Conditional Use Permit. **(HBZSO Section 230.74)**
5. 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)**
6. Conditional Use Permit No. 11-011 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **(HBZSO Section 241.14)**
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 11-011 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 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. Outdoor dining occupying less than 400 sq. ft. is subject to Neighborhood Notification and approval by the Director of Planning. **(HBZSO Section 211.04)**

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 96-7:

1. Conditional Use Permit No. 96-7 for the establishment, maintenance and operation of a 1,200 square foot restaurant and a reduced parking ratio for the shopping center will not be detrimental to the general welfare of persons residing or working in the vicinity nor detrimental to the value of the property and improvements in the neighborhood. The restaurant will occupy an existing suite in a retail shopping center and will not require any alterations beyond tenant improvements. The reduced parking ratio of one (1) space for every 241 square feet of commercial space, excluding restaurants at one (1) space for every 100 square feet, recognizes the complementary mix of uses in the shopping center and the fact that the center operates similar to centers with shared parking. The parking ratios will provide for sufficient parking for the center's tenants.
2. The granting of Conditional Use Permit No. 96-7 will not adversely affect the General Plan of the City of Huntington Beach. The restaurant use is consistent with the goals and objectives of the Commercial General land use designation of the General Plan and adequate parking will be provided.
3. The proposed use will comply with the provisions of the base district and other applicable provisions in Titles 20-25 and any specific condition required for the proposed use in the district in which it would be located.

SPECIAL CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 96-7:

1. The site plan, floor plans, and elevations received and dated February 21, 1996 shall be the conceptually approved layout.
2. Prior to submittal for building permits, conditions of approval shall be printed verbatim on the cover sheet of all working drawing sets submitted for plancheck.
3. Prior to issuance of building permits, the following plans and items shall be submitted and/or completed by the applicant:
 - a. Note on plans: Fire extinguishers shall be installed and located to comply with the Huntington Beach Fire Code standards.
 - b. Note on plans: All commercial cooking appliances shall be provided with automatic fire protection systems.
 - c. Note on plans: Address numbers shall be installed to comply with City Specification #428.
4. Prior to final inspection or Certificate of Occupancy, compliance with all conditions of approval specified herein shall be accomplished.

5. The Zoning Administrator shall be notified in writing if any changes in use or floor area are proposed as a result of the plan check process. Building permits shall not be issued until the Zoning Administrator has reviewed and approved the proposed changes. The Zoning Administrator reserves the right to require that an amendment to the original entitlement be processed if the proposed changes are of a substantial nature.

INFORMATION ON SPECIFIC CODE REQUIREMENTS:

1. The development shall comply with all applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance, Building Division, and Fire Department.
2. The applicant shall meet all applicable local, State, and Federal Fire Codes, Ordinances, and standards.
3. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District.
4. A Certificate to Operate shall be issued by the Department of Community Development.
5. Construction shall be limited to Monday through Saturday, 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and federal holidays.
6. The Zoning Administrator reserves the right to revoke Conditional Use Permit No. 96-7 if any violation of these conditions of the Huntington Beach Zoning and Subdivision Ordinance occurs.

The Department of Community Development will perform a comprehensive plan check relating to all Municipal Code requirements upon submittal of your completed structural drawings.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for in relation to the vicinity in which it is proposed. The conceptual plan should not be construed as a precise plan reflecting conformance to all Code requirements.

It is recommended that you immediately pursue completion of the Conditions of Approval and address all requirements of the Huntington Beach Municipal Code in order to expedite the processing of your total application.

I hereby certify that Conditional Use Permit No. 96-7 was Conditionally Approved by the Zoning Administrator of the City of Huntington Beach, California, on April 3, 1996, upon the foregoing conditions and citations.

Very truly yours,



Herb Fauland
Zoning Administrator

(g:za:ltr:cup96-7)

ATTACHMENT NO. 5.2



BOARD of ZONING ADJUSTMENTS

CITY OF HUNTINGTON BEACH · CALIFORNIA

P. O. BOX 190-92648
PHONE (714) 536-5271

NOTICE OF ACTION

DATE: September 15, 1976
APPLICANT: Glenn Busby
SUBJECT: Use Permit No. 76-52 (In Conj./TPM 76-38)

Your application was acted upon by the Huntington Beach Board of Zoning Adjustments on September 15, 1976, and your request was:

CONDITIONALLY APPROVED x (see attached)
CONTINUED UNTIL _____
WITHDRAWN _____
APPROVED _____
DENIED _____

Under the provisions of the Huntington Beach Ordinance Code, the action taken by the Board of Zoning Adjustments is final unless an appeal is filed to the Planning Commission by you or an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by and upon which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of seventy-five (\$75.00) dollars and submitted to the Secretary of the Planning Commission within ten (10) days of the date of the Board's decision.

The last day for filing an appeal and paying the filing fee for the above-noted application is September 24, 1976.

Provisions of the Huntington Beach Ordinance Code are such that any application becomes null and void one (1) year after the final approval, unless actual construction has begun.

Very truly yours,

John W. Palin, Secretary
Board of Zoning Adjustments

ATTACHMENT NO. 6.1



BOARD of ZONING ADJUSTMENTS
CITY OF HUNTINGTON BEACH CALIFORNIA

P. O. BOX 199-92648
PHONE (714) 536-5271

USE PERMIT NO. 76-52 (In Conj./TPM 76-38)

Applicant: Glenn Pusby
P.O. Box 130
Westminster, California 92683

Request: To permit the construction of a 180,000 square foot commercial center pursuant to Section 9472 of the Huntington Beach Ordinance Code.

Location: The subject property is located on the southeast corner of Edinger Avenue and Goldenwest Street in a C4, Highway Commercial District.

Date of Approval: September 15, 1976

FINDINGS OF THE BOARD:

1. The establishment, maintenance, and operation of the use will not be detrimental to:
 - a. The general welfare of persons residing or working in the vicinity;
 - b. Property and improvements in the vicinity of such use or building.
2. The granting of a Use Permit will not adversely affect the Master Plan of the City of Huntington Beach.
3. The proposal is consistent with the City's General Plan of Land Use.

CONDITIONS OF APPROVAL:

A. TO BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. The conceptual plot plan and elevations received September 1, 1976, shall be the approved layout.

In its approval action, the Board of Zoning Adjustments considered the following issues relating to the conceptual plan:

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- . Traffic circulation and driveway;
- . Parking layout;
- . Lot area;
- . Lot width and lot depth;
- . Type of use and its relation to property and improvements in the immediate vicinity;
- . Past administrative action regarding this property.

2. The following plans shall be submitted to the Secretary of the Board:

- a. Landscape and irrigation plan complying with Article 979 of the Huntington Beach Ordinance Code and landscaping specifications on file in the Department of Public Works.

Such plan shall incorporate trees of a minimum 15-gallon size within the three- and ten-foot landscaping strip along the south property line, said trees to be of species that will not be detrimental to the pools located on residential property adjacent to that property line. Placement and types of trees shall be approved by the Board of Zoning Adjustments.

- b. Rooftop mechanical equipment screening plan. Said plan shall indicate screening of all rooftop mechanical equipment and shall delineate the type of material proposed to screen said equipment.

3. Soil and compaction reports shall be submitted by a certified soils engineer. Said reports shall be submitted to the Department of Building and Community Development and shall be subject to approval by that Department.

4. Fire protection systems, including automatic sprinkler systems, standpipe systems, fire hydrants, fire alarm systems, and any other required fire protection and detection devices or systems shall comply with the specifications of the Huntington Beach Fire Code. Plans for such systems and devices shall be submitted to the Fire Department and shall be subject to approval by the Departments of Fire and Public Works.

5. The developer shall participate in the Orange County Sanitation District No. 3 Sewer Annex District.

6. All applicable fees shall be paid prior to issuance of building permits.

B. TO BE COMPLETED PRIOR TO FINAL INSPECTION:

1. Goldenwest Street and Edinger Avenue shall be improved to the centerlines of such rights-of-way. Said improvements

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shall include curbs, gutters, sidewalks, paving, street trees, street lights, street signs, street drainage, and sewer and water main extensions, in full compliance with the City of Huntington Beach street standards and requirements.

If the City has not already scheduled the construction of the raised medians in Edinger Avenue and Goldenwest Streets, the developer shall participate in construction of said medians; the ratio of participation shall be as may be determined by the Director of Public Works.

C. GENERAL CONDITIONS:

1. To assure that no direct lighting shall occur on abutting property, a lighting plan for the rear of the commercial project shall be submitted to the Department of Building and Community Development for review and approval prior to the issuance of building permits.
2. The flood control channel on the east property line shall be fenced according to City standards.
3. Parking for the facility shall conform with Article 979 of the code in regard to number, size, and turning radius for parking spaces.
4. A sign program for the project shall be submitted to the Board of Zoning Adjustments for approval prior to the issuance of permits for erection of any signs.

The signs delineated upon the approved conceptual plot plan shall in no way authorize the issuance of such permits.
5. Drainage for the development shall be subject to the approval of the Department of Public Works, such drainage plan to take into consideration erosion and siltation control both during and after construction of the project.
6. The elevations submitted with the application shall be the approved layout for the Gemco facility. Elevations on the future commercial and office structures shall be submitted to the Board of Zoning Adjustments for approval prior to issuance of building permits for their construction, to assure similar colors and materials throughout the complex.
7. Reciprocal easements for ingress-egress and parking shall be filed with the City, approved as to legal form by the office of the City Attorney, and recorded prior to final occupancy of the first building within the complex.

ATTACHMENT NO. 6.4

8. If the developer proposes to provide air conditioning, the insulation in ceilings and exterior walls shall be a minimum of R-19 and R-11, respectively. If no air conditioning is to be provided, the insulation in ceilings and exterior walls shall be a minimum of R-13 and R-7, respectively.

In commercial and industrial projects, the "U" value of the structures shall offer the equivalent thermal insulation characteristics and may be calculated using ASHRAE methods.

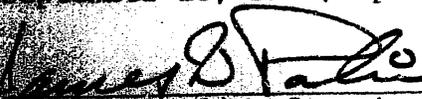
9. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an offsite facility equipped to handle them.
10. Use of energy-saving lighting, such as high pressure sodium vapor lamps, should be considered in parking lots.
11. An on-site water utility plan shall be submitted to the Water Department for approval, said plan to be a minimum size of 24" x 36" with City of Huntington Beach title block.
12. When utilities are connected to Goldenwest and/or Edinger, the installation shall be timed and regulated to minimize the impact of the resultant traffic disruption.

The Department of Building and Community Development will perform a comprehensive plan check relating to all Ordinance Code requirements upon submittal of your completed structural drawings.

Please be advised that the Board of Zoning Adjustments reviews the conceptual plan as a basic request for entitlement of the use applied for in relation to the vicinity in which it is proposed. The conceptual plan should not be construed as a precise plan reflecting conformance to all Ordinance Code requirements.

It is recommended that you immediately pursue completion of the Conditions of Approval and address all requirements of the Huntington Beach Ordinance Code in order to expedite the processing of your total application.

I hereby certify that Use Permit No. 76-52 was approved by the Board of Zoning Adjustments of the City of Huntington Beach, California, on September 15, 1976, upon the foregoing conditions and citations.


James W. Palin, Secretary
Board of Zoning Adjustments

Attachment: Certified copy of approved layout

ATTACHMENT NO. 6.5