



City of Huntington Beach Planning Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Tess Nguyen, Associate Planner *TN*
DATE: July 8, 2008

SUBJECT: APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 08-009 (METRO Q RESTAURANT)

APPLICANT: Scott Forst and Ida Vallez, 2398 Willowbrook #16, Anaheim CA 92802

APPELLANT: Fred Speaker, Planning Commissioner

PROPERTY

OWNER: Phuong Pham, 1738 44th Avenue, San Francisco CA 94122

LOCATION: 19092 Beach Boulevard, Suites J, K, L, and M (east side of Beach Boulevard, south of Garfield Avenue)

STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 08-009 request:
 - To permit the establishment of a 4,995 sq. ft. eating and drinking establishment (restaurant) with on-site sale and consumption of alcoholic beverages.

- ◆ Staff's Recommendation:

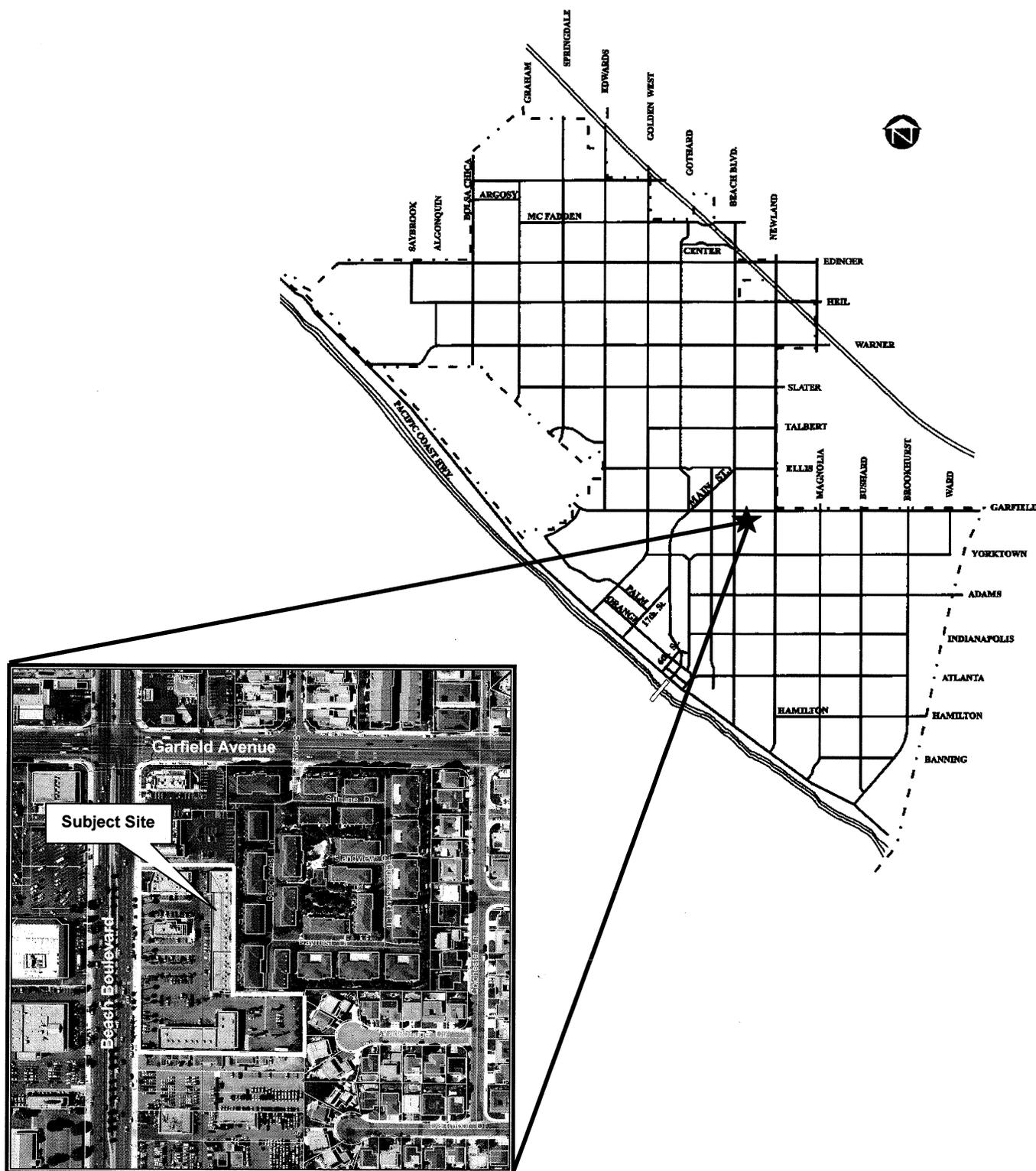
Approve Conditional Use Permit No. 08-009 based upon the following:

 - Proposed eating and drinking establishment with alcohol sales will comply with the requirements of the Commercial General zoning district.
 - Proposed eating and drinking establishment is compatible with surrounding uses.
 - Proposed eating and drinking establishment with alcohol sales is consistent with the Commercial General Land Use designation of the General Plan.

RECOMMENDATION:

Motion to:

- A. "Approve Conditional Use Permit No. 08-009 with findings and suggested conditions of approval (Attachment No. 1)."



VICINITY MAP
CONDITIONAL USE PERMIT NO. 08-009
(METRO Q RESTAURANT – 19092 BEACH BOULEVARD, SUITES J, K, L, AND M)

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Approve Conditional Use Permit No. 08-009 with the condition of approval restricting the hours of alcohol service to 12:00 AM (midnight) and the hours of operation to 1:00 AM with findings and conditions of approval.”
- B. “Deny Conditional Use Permit No. 08-009 with findings.”
- C. “Continue Conditional Use Permit No. 08-009 and direct staff accordingly.”

PROJECT PROPOSAL:

Conditional Use Permit No. 08-009 represents a request to establish a 4,995 sq. ft. eating and drinking establishment (restaurant) with on-site sales and consumption of alcoholic beverages pursuant to Section 211.04 (N) CO, CG, and CV Districts: Land Use Controls of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

The proposed restaurant will operate as a bar and grill with a full menu consisting of appetizers, burgers, soups and salads, sandwiches, and entrees (Attachment No. 4). The restaurant will employ approximately 10 people. The hours of operation for the restaurant are proposed between 9:00 AM and 1:00 AM Sunday through Thursday and between 9:00 AM and 2:00 AM Friday and Saturday (Attachment No. 3).

The project site is located on the east side of Beach Boulevard, south of Garfield Avenue. The proposed site is currently developed as a shopping center with a mix of retail, office, and restaurant uses. The restaurant’s storefront and main entrance face the parking area adjacent to Beach Boulevard. The restaurant includes a dining area, bar, and two pool tables. The main dining and bar area will be at the front of the tenant space, oriented towards Beach Boulevard, and the kitchen will be located at the rear of the tenant space.

Background:

The Commercial General zoning district in the HBZSO allows a variety of commercial uses, ranging from retail to eating and drinking establishments to commercial recreation and entertainment uses. Rockets & Pockets was permitted to operate a family billiards and arcade center in 1988 and allowed to sell and serve alcoholic beverages in 1995 at the subject site. The approved hours of operation for Rockets & Pockets were from 11:00 AM to 11:30 PM for Sunday through Thursday and from 11:00 AM to 12:30 AM for Friday and Saturday. The use of a billiards and arcade center is considered a commercial recreation and entertainment use in the HBZSO. When Rockets & Pockets left, a series of different businesses occupied the tenant space and continued the commercial recreation and entertainment use and alcoholic beverage service. They included Avenues in 2001, Break Zone in 2002, and Beer Nutz in 2004. These uses all occupied the business location under the previously approved Conditional Use Permit (CUP No. 94-27) and the approved conditions of approval and the restriction of hours of operation.

Zoning Administrator Action:

Conditional Use Permit No. 08-009 was scheduled before the Zoning Administrator on May 21, 2008. Prior to the public hearing, staff received three phone calls inquiring about the location of the restaurant and the potential noise impacts.

The applicants, the applicant's representative, and one residential neighbor were present at the May 21, 2008, Zoning Administrator meeting. The applicant's representative spoke in favor of the request and indicated that the applicants are in agreement with the suggested conditions of approval. The neighboring resident expressed opposition to the proposed hours of alcohol service. The neighbor was concerned that the proposed restaurant may operate as a bar and create noise impacts and other perceived disruptive activities.

The Zoning Administrator found that the proposed restaurant is compatible with surrounding uses because it is a commercial use located in an existing commercial development with similar uses and approved the proposed restaurant with a condition of approval that the restaurant shall adhere to any more restrictive conditions imposed by the Alcoholic Beverage Control Board. The Zoning Administrator approved the proposed restaurant with the hours of operation and alcohol service between 9:00 AM and 1:00 AM seven days a week (Attachment No. 7—Draft Zoning Administrator Minutes).

Appeal:

The Zoning Administrator's approval of Conditional Use Permit No. 08-009 was appealed by Planning Commissioner Speaker, for reasons cited in an appeal letter dated June 02, 2008 (Attachment No. 12). The reasons for appeal are listed below:

- The approval of a restaurant with onsite sale and consumption of alcoholic beverages beyond 12:00 AM (midnight) is incompatible with the adjacent residential neighborhood.
- The service of alcoholic beverages may generate additional noise and traffic that has the potential to impact the adjacent residential area.

Study Session Summary:

The following are issues that were raised during the Planning Commission Study Session meeting on Tuesday, June 24, 2008. Subsequently, the applicant has submitted a letter to invite the Planning Commission to a site visit and to review their plans for improvements (Attachment No. 13).

- Classification of Eating and Drinking Establishments

Section 204.10 of the HBZSO classifies eating and drinking establishments as businesses serving prepared food or beverages for consumption on or off the premises. The HBZSO does not differentiate between an eating and a drinking establishment, restaurants and bars, or has a minimum square feet or area requirement and therefore all are considered eating and drinking establishments. As a result, the project narrative, floor plan and layout of these establishments depend on the individual business owners and are analyzed by staff for compliance with the applicable use classifications and definition.

- Design of Building

The proposed building, constructed in 1986, was built along the eastern property line (zero setback). The building is oriented towards Beach Boulevard with the front of the building facing the parking area adjacent to Beach Boulevard. The rear of the building faces the eastern property line with no openings. Because of the design of the building, the potential noise impact emanating from the rear of the building is minimized.

- Tenant Improvement

The proposed tenant improvement plans include no changes to the exterior and minor changes to the interior of the tenant space. Originally, the applicant requested to have outdoor dining at the front of the tenant space but since has been withdrawn as part of the request. Three existing storefront windows were proposed to be converted to sliding glass doors to provide access to the proposed outdoor dining area. Because the request for outdoor dining was withdrawn by the applicant, the existing storefront windows will remain fixed. Minor changes to the interior of the tenant space consist of enlarging existing restrooms to comply with ADA requirements, relocating the bar from the rear to the front of the tenant space, and building partition walls to create a storeroom and a larger kitchen.

- Parking Area South of the Proposed Building

The existing shopping center currently has 24 tenants with 225 parking spaces. All parking spaces, including those located in the area south of the proposed building, are shared among all tenants. The Planning Commission requested staff to evaluate the possibility of restricting access, by suggested condition of approval, to the parking area to the south of the proposed building after 10:00 PM. The parking area to the south of the proposed building contains 77 parking spaces. Currently, there are six businesses within the existing shopping center (Big Chopsticks, Beach Burgers, Surf City Hookah Lounge, Metro Q Restaurant, Greek Café, and Thai Gulf) that would close at 10:00 PM or after. Out of 225 on-site parking spaces, 148 spaces would be available after 10:00 PM if access to the parking area to the south of the proposed building is restricted. Ninety two parking spaces are required to meet the parking requirement for the six businesses above, creating a surplus of 56 required parking spaces. The possible restriction that is being considered will prohibit any future tenant of the center from operating after 10:00 PM. In addition, this restriction would act as a joint use of parking scenario by restricting the hours of operation for the six on-site tenants. A joint use of parking arrangement can only be approved by conditional use permit (HBZSO 231.06) and a noticed public hearing. Staff is not recommending restricting access to the 77 parking spaces.

- Location of Trash Enclosures

Concern was raised regarding the location of the on-site trash enclosures and the time of garbage disposal with respect to the potential noise impact to the adjacent residential neighborhood. There are three existing trash enclosures on the site. One is located north of the proposed building at the northeast corner of the property. Another one is located adjacent to the Beach Burgers building in the center of the property. The third trash enclosure is located east of the south building along the

south property line (Attachment No. 5). Since there are no restrictions on any of the tenants within the shopping center in regards to trash disposal nor has it been determined to be a nuisance associated with the proposed restaurant, staff does not recommend any restrictions on the disposal of trash for the proposed restaurant.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	CG-F1 (Commercial General—0.35 Max Floor Area Ratio)	CG (Commercial General)	Commercial
North, South and West of Subject Property	CG-F1	CG	Commercial
East of Subject Property	RM-15 (Residential Medium Density—Max. 15 du/ac)	RM (Residential Medium Density)	Multi-Family Residential

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is Commercial General. The proposed project is consistent with this designation and the policies and objectives of the City’s General Plan as follows:

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.

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 provide a new visitor and resident-serving commercial venue within the City that is consistent with the Land Use Density Schedules in the General Plan and is compatible with surrounding commercial development. The proposed restaurant offers the opportunity to develop a service-based commercial use that is oriented to the needs of all residents in Huntington Beach and will serve the surrounding region.

Zoning Compliance:

This project is located in the Commercial General Zoning District and complies with all the requirements of that zone, including land use and on-site parking requirements. There is no physical expansion of the

existing commercial development as part of this request. The proposed use will occupy an existing 4,995 sq. ft. space consisting of suites J, K, L, and M.

Urban Design Guidelines Conformance:

The proposed restaurant will occupy an existing tenant space in a shopping center. No modifications to the exterior of the existing building are proposed as part of this project.

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 to existing or approved structures are exempt from further environmental review.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Building and Safety, Fire, and Public Works have reviewed the proposed project and identified comments and applicable code requirements. The letters have been provided for information purposes only (Attachment No. 8). The Police Department reviewed the proposed restaurant with alcohol sales and provided comments in a letter to the Department of Alcohol Beverage Control (ABC) dated April 8, 2008 (Attachment No. 9). In the letter, the Police Department expressed concern with potential negative impacts to the nearby residents and therefore recommended conditions of approval. Below is a summary of the recommended conditions of approval that the Police Department sent to ABC.

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 AM and 12:00 AM daily.
2. The sale of alcoholic beverages for consumption off the premises is prohibited.
3. Outdoor service or consumption of alcoholic beverages is prohibited.
4. There shall be no live entertainment of any type.
5. Music shall not be audible beyond the control of the establishment.
6. A minimum of two (2) security guards shall be on the premises between the hours of 7:00 PM to one-half hour after closing, to maintain order in the parking lot and prevent noise and patrons leaving from disturbing the neighbors.
7. There shall be no exterior advertising or sign of any kind or type.
8. Petitioner shall not share any profits, or pay any percentage or commission to a promoter or any other person.
9. There shall be no requirement to purchase a minimum number of drinks.
10. No "Happy Hour" type of promotion shall be permitted.
11. All exterior doors to be closed from the hours of 7:00 PM to one-half hour after closing.

On April 9, 2008, the Police Department provided comments to the Planning Department reiterating their concerns with the proposed alcohol sales and recommended conditions of approval for consideration by the Planning Commission (Attachment No. 10). Below is a summary of the recommended conditions of approval that the Police Department sent to the Planning Department.

1. Consumption and sales of alcoholic beverages shall be permitted only in the interior of the business.
2. The front windows and doors shall remain closed after 7:00 PM and during the hours of entertainment.
3. Regular food service, consisting of the complete dinner menu, shall be available until one hour before the close of business.
4. Hours of operation of the restaurant shall be between 9:00 AM and 1:00 AM seven days a week.

Because of the differences in the two letters, staff requested the Police Department clarify the discrepancies and provide one recommendation on suggested conditions of approval. On June 20, 2008, the Police Department provided an update to the Department's recommendations (Attachment No. 11). Below is a summary of the recommended conditions of approval that the Police Department sent to the Planning Department.

1. Hours of operation of the restaurant shall be from 9:00 AM to 1:00 AM daily.
2. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 9:00 AM and 1:00 AM, seven days a week.
3. The Conditional Use Permit shall be reviewed by City staff after Metro Q Restaurant has been in operation for six and twelve months.

The above updated conditions of approval are based on the history of different businesses at the location, the quality of life concerns of area residents and other businesses, public safety concerns and an effort to be fair and reasonable to the new owners of the proposed restaurant. The Police Department believes that allowing Metro Q Restaurant to operate until 1:00 AM daily is reasonable given that Taco Bell and Surf City Hookah Lounge (businesses in the vicinity or within the shopping center) are allowed to operate until 1:00 AM. In addition, other businesses in the area with an ABC license stay open until 2:00 AM daily, including Kit's Place, Max's Sports Grill, Shooters, Surf City Saloon and The Pen. Planning staff concurs with this recommendation.

In regards to alcohol sales, the Police Department considers it reasonable to have the hours of alcohol sales be consistent with the overall hours of operation. Initially, the Police Department thought that the ABC license was transferred from Beer Nutz (previous tenant) to Metro Q Restaurant (new tenant). Beer Nutz's ABC license allowed alcohol sales between 11:00 AM to 12:00 AM daily. The Police Department did not believe the current license (Beer Nutz) should be modified and recommended the same time frame of alcohol sales for Metro Q Restaurant. Because Metro Q is applying for a new ABC license and is not affiliated with Beer Nutz (previous tenant), the Police Department finds it reasonable to have the hours of alcohol sales be consistent with the overall hours of operation. Planning staff concurs with this recommendation.

To address quality of life and public safety concerns, the Police Department suggests monitoring the operations of the proposed restaurant. A review, conducted by staff, will be at six months and one year after the issuance of the certificate of occupancy for Metro Q Restaurant. The staff review will be forwarded to the Planning Commission. In the event any violation of the conditions of approval or code requirements occurs, the CUP may be scheduled for possible revocation at a noticed public hearing before the Planning Commission. This would ensure that appropriate actions could be taken to resolve any issues that impact the surrounding neighborhood.

In the updated memo from the Police Department, the recommended conditions of approval only relate to the hours of operation, hours of alcohol service, and the monitoring of the proposed restaurant's operations. All the other conditions that were included in the letter from the Police Department to ABC are no longer required in an effort to be fair to the new business owners. Since the restaurant is not proposing to have outdoor dining or live entertainment, the recommended conditions of approval are no longer applicable.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on June 26, 2008 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 Department's Notification Matrix), the applicant and interested parties. As of June 30, 2008, no letters have been received regarding the proposed project.

Application Processing Dates:

DATE OF COMPLETE APPLICATION: MANDATORY PROCESSING DATE(S):

April 3, 2008

June 2, 2008

Conditional Use Permit No. 08-009 was filed on March 4, 2008 and deemed complete on April 3, 2008. The Zoning Administrator acted on the application on May 21, 2008, in compliance with the mandatory processing timelines. An appeal was filed by Planning Commissioner Speaker on June 2, 2008. The application is scheduled for public hearing before the Planning Commission on July 08, 2008.

ANALYSIS:

The primary issues for the Planning Commission to consider in evaluating the proposed project is whether the project complies with the HBZSO requirements for an eating and drinking establishment (restaurant) with alcohol service, is compatible with the adjacent residential neighborhood, and whether the request is consistent with the goals, objectives, and policies of the General Plan.

Proposed Restaurant with Alcohol Service

The proposed restaurant with alcohol service complies with applicable requirements of the HBZSO, including land use and on-site parking requirements. No variances to City standards are requested or required. Over the years, the City has approved several requests to allow an eating and drinking

establishment for the sale of alcoholic beverages within existing and new restaurants. Such requests were reviewed and approved based on compliance with the objective criteria contained in the HBZSO and findings that the proposed uses are consistent with the applicable requirements of the Commercial General zoning designation. By restricting the hours of operation and alcohol service to 1:00 AM seven days a week, staff believes that the proposed Metro Q restaurant will not have a detrimental impact on the neighborhood and that the project is consistent with previously approved projects in the City.

Consistency with the General Plan

The proposed restaurant with alcohol sales is consistent with the Commercial General land use designation and the policies and objectives of the City's General Plan. The proposed project will accommodate existing development by allowing the eating and drinking establishment (restaurant) with alcohol sales. The proposed restaurant offers the opportunity to develop a service-based commercial use that is oriented to the needs of all residents in Huntington Beach and serves the surrounding region. The proposed use will provide a new visitor and resident-serving commercial venue within the City that is consistent with the Land Use Density Schedules in the General Plan and is compatible with surrounding commercial development.

Basis for Appeal

Commissioner Fred Speaker's appeal letter states that the proposed restaurant with onsite sale and consumption of alcoholic beverages beyond 12:00 AM is incompatible with the adjacent residential neighborhood. The appeal letter also asserts that the service of alcoholic beverages may generate additional noise that has the potential to impact the adjacent residential area.

Staff does not concur with the assertions made by Commissioner Speaker in his appeal letter. The issue of compatibility is addressed in the findings for approval as a measure of a project's potential to negatively impact the surrounding neighborhood. A project's compatibility should be evaluated based on the broader context of allowable land uses on the site. The HBZSO allows an eating and drinking establishment with onsite sales and consumption of alcoholic beverages within 300 feet of residential district with a Conditional Use Permit. During the review process, the proposed project is evaluated for compliance with applicable requirements of the HBZSO and compatibility with the uses in the vicinity.

To minimize the potential impacts to adjacent uses, conditions of approval are imposed to ensure that the operations of the proposed project will not be detrimental to the surrounding properties. By limiting Metro Q Restaurant's hours of operation and alcohol service to 1:00 AM daily, staff has taken into consideration the operating hours of uses within the shopping center and similar alcohol service uses in the vicinity. While the original request includes the hours of operation for the restaurant between 9:00 AM and 2:00 AM on Fridays and Saturdays, staff believes it is appropriate to restrict the hours to 1:00 AM daily for the reasons cited above.

The proposed restaurant with alcohol sales will not generate additional noise, traffic, or other impacts detrimental to the surrounding property because it is consistent with the subject property's commercial zoning. Since the site provides adequate parking to accommodate the proposed restaurant and the

orientation of the building towards Beach Boulevard, there would be no impact to the residential properties to the east of the project site.

Staff is recommending approval of the request, based on the project's compliance with applicable code requirements, compatibility with the surrounding neighborhood, and consistency with the policies and objectives of the General Plan. No detrimental impacts to the surrounding neighborhood are anticipated.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CUP No. 08-009
2. Site plan, floor plan, and elevations received and dated March 4, 2008
3. Project Narrative dated March 4, 2008
4. Metro Q Restaurant Menu dated June 25, 2008
5. Location of Trash Enclosures
6. Zoning Administrator Notice of Action – CUP No. 08-009 dated May 22, 2008
7. Draft Zoning Administrator Minutes—May 21, 2008
8. Code Requirements Letter – CUP No. 08-009 dated April 14, 2008
9. Police Department Letter to the Department of Alcoholic Beverage Control dated April 8, 2008
10. Police Department Memo to the Planning Department dated April 9, 2008
11. Police Department Memo to the Planning Department dated June 20, 2008
12. Planning Commissioner Speaker appeal letter dated June 2, 2008
13. Applicants' Letter to the Planning Commission dated June 30, 2008

SH:HF:TN:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2008-009

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 of the CEQA Guidelines, because the project consists of minor alterations to a commercial suite within an existing shopping center.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 2008-009:

1. Conditional Use Permit No. 2008-009 for the establishment of a 4,995 sq. ft. eating and drinking establishment (restaurant) with onsite sale and consumption of alcoholic beverages 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 proposed restaurant with alcohol sales will not generate additional noise, traffic, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. The site provides the necessary parking to accommodate the proposed restaurant. The sales and consumption of alcoholic beverages are proposed inside the restaurant only. The main entrance of the restaurant is oriented towards Beach Boulevard, away from residential units.
2. The conditional use permit will be compatible with surrounding uses because it is a commercial use located in an existing commercial development with other commercial uses with similar characteristics such as retail and restaurants. The subject building is oriented towards Beach Boulevard with the front of the building facing the parking area adjacent to Beach Boulevard. The rear of the building faces the eastern property line with no openings. The building design and orientation creates a buffer for the residential land uses to the east 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 proposed use in the district in which it would be located. The eating and drinking establishment (restaurant) with alcohol sales will be located within an existing commercial center, which conforms to land use and on-site parking requirements applicable to the General Commercial (CG) zoning designation.
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 objectives and policies of the General Plan:

A. Land Use Element

Objective LU 10.1.1 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

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 requested conditional use permit will accommodate existing development by allowing the eating and drinking establishment (restaurant) 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 consistent with the Land Use Density Schedules in the General Plan and is compatible with surrounding commercial development.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-009:

1. The site plan, floor plan, and elevation received and dated March 4, 2008, shall be the conceptually approved design with the following modifications:
 - a. The proposed outdoor dining area shall be removed.
 - b. The existing storefront windows shall remain fixed.
2. The use shall comply with the following:
 - a. Hours of operation of the restaurant with alcohol service shall be between 9:00 AM and 1:00 AM seven days a week.
 - b. Regular food service, consisting of the complete dinner menu, shall be available until one hour before the close of business.
 - c. 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. A review of the use shall be conducted by staff in the Planning and Police Departments approximately six (6) months and one (1) year of issuance of the certificate of occupancy to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning

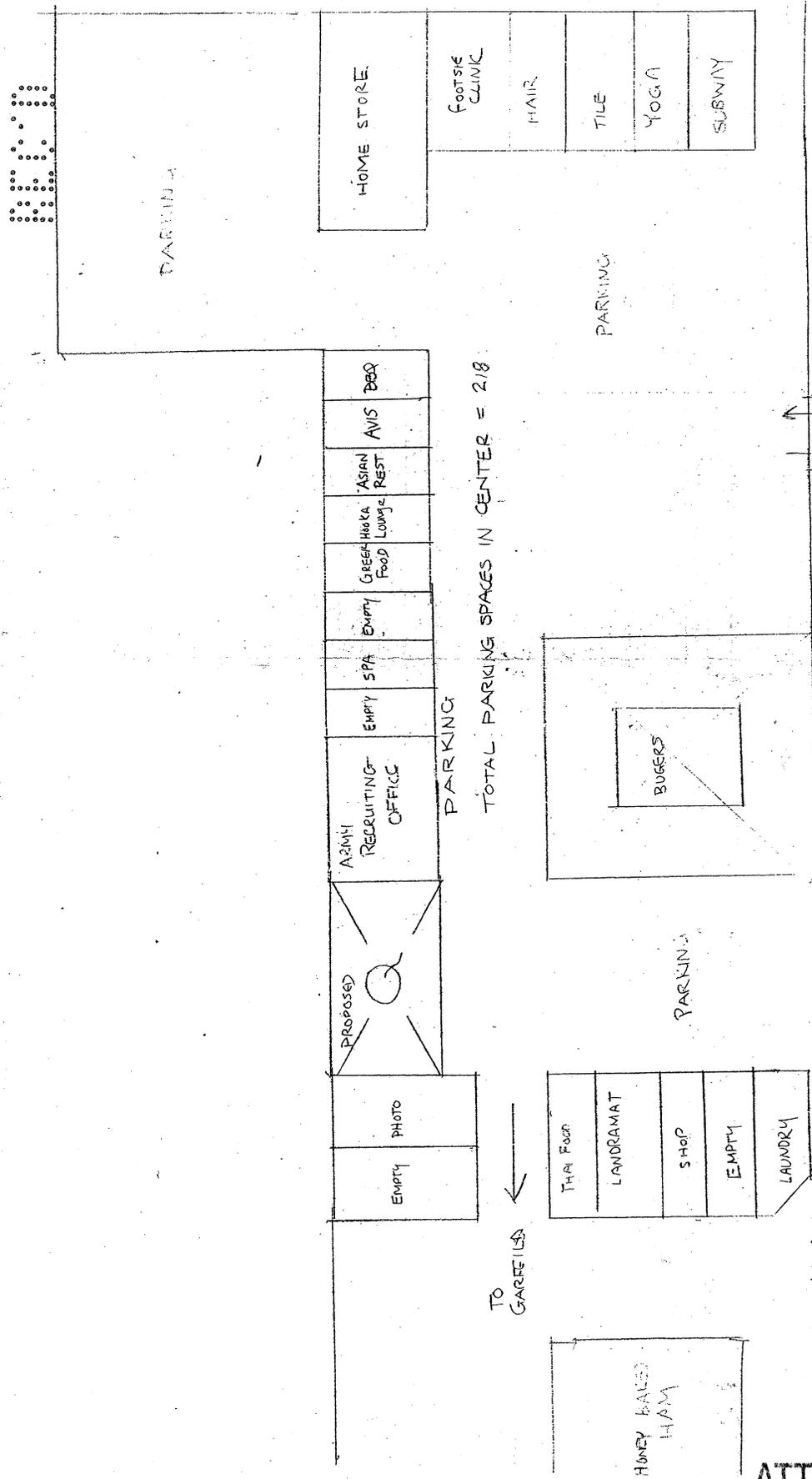
and Subdivision Ordinance. At that time, the Planning Commission may consider modifications to the conditions of approval.

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.

Metro Q Side Plan



OWNER:
Phuong Pham
1738 4th AVE
San Francisco, CA 94112
415/753-3000

Applicant:
Scott Forst / Ida Valde
2398 Willamook #16
Aubrey CA 92802
714-553-2335

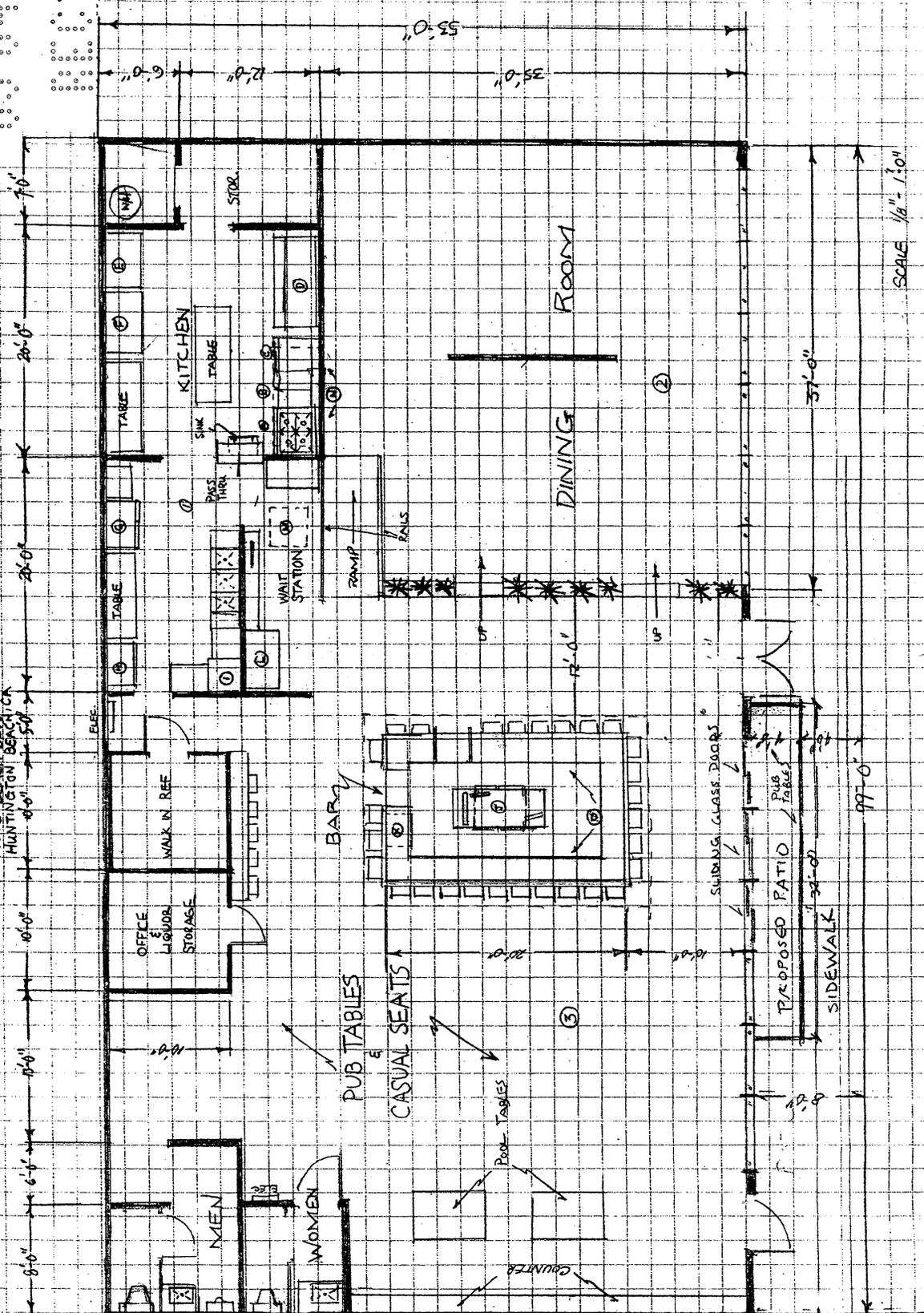
1907Z
BEACH BLVD
Suits J, K, L, M
Huntington Beach, CA 92648

Scale 1/8" = 10'



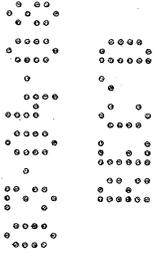
METRO Q

19072 BEACH BLVD
HUNTINGTON BEACH, CA

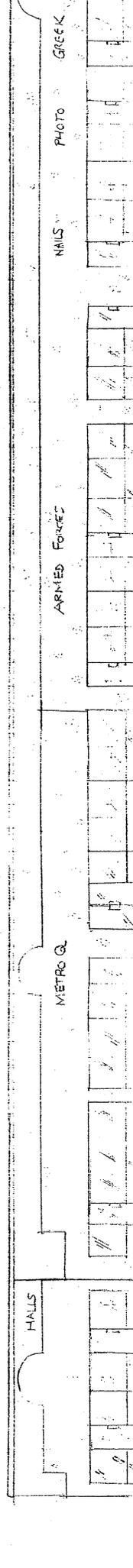


- EQUIP. SCHEDULE
- ① 4 BURNER GAS RANGE
 - ② GAS STOVE
 - ③ FLAT GRILL/BROILER
 - ④ SANDWICH/SALAD PREP
 - ⑤ REFRIG. IN REE
 - ⑥ REFRIG. IN FREEZER
 - ⑦ BESS. REFRIG. IN REE
 - ⑧ 80" ICE MACHINE
 - ⑨ AUTO-CHOR. DISH MACH.
 - ⑩ PASS TRAY GLASS RECY. COVER
 - ⑪ AUTO COLOR GLASS WASH
 - ⑫ 800" ICE COVER
 - ⑬ GEORGE (IN FLOOR) INTERLOCK
 - ⑭ 6" SS EXHAUST SYSTEM
 - ⑮ VARIOUS UNDER BAR FIXTURES

QUARRY TILE FLOOR
WOOD LAMINATE FLOOR
POLISHED CONCRETE FLOOR



METRO Q BUILDING ELEVATION



FRONT ELEVATION
 19072 BEACH BLVD, S.K.I.L, 4M
 HUNTINGTON BEACH CA 92648

OWNER:
 Phuong Pham
 1738 4th Avenue
 San Francisco CA 94122
 415/753-3000

Applicant:
 Scott Forst / Ida Voldet
 2398 Willowbrook, #16
 Gaithersburg, CA 92802
 714/ 553-2335

← N
 Scale 1/8" = 1'-0"

March 3, 2008

050400

MetroQ
19092 Beach Boulevard
Suites J,K,L & M
Huntington Beach, CA 92648

RE: 0

City of Huntington Beach Planning
2000 Main Street
Huntington Beach, CA 92648

Re: Written Narrative Regarding Proposed Use Of Project

Dear Sir/Madam,

MetroQ is the vision of restauranteers Scott Forst and Ida Valdez. MetroQ is an upscale restaurant with a strict emphasis on quality cuisine.

MetroQ is 4995 square feet large. The restaurant will remain open to the public seven days a week, Sunday through Saturday. The hours of operations are 9:00AM to 1:00AM on Sundays through Thursday, and 9:00AM to 2:00AM on Fridays and Saturdays. The initial number of employees will be ten (10).

We initiate this application for the acceptance of a Type 47 liquor license, which will allow MetroQ to service after-dinner drinks and cocktails, in addition to its current beer and wine license. We also request permission for a small outdoor patio dining area along the building's front sidewalk. *we also request alcohol sales on the front patio.*

MetroQ is located in an outdoor strip mall on Beach Boulevard. Specifically, the surrounding uses of MetroQ to the North are a photo shop, Thai restaurant and laundromat. The surrounding uses of MetroQ to the South are an Army Recruiting Station, Nail Spa and Greek restaurant. The surrounding use of Metro Q to the East is a Condominium Complex with no physical access to the strip mall and is further separated by a large concrete barrier wall. The surrounding use of MetroQ to the West is a free-standing Burger Restaurant.

The population MetroQ wishes to serve is Huntington Beach patrons who enjoy fine quality cuisine and cheerful service.

Sincerely,

Scott Forst

Ida Valdez



City of Huntington Beach

JUN 25 2008

Starters

Nacho's w/ Cheese & Jalapeños

Deep fried crisp corn tortillas covered with cheddar & jack cheeses. \$ 5.00
Spinach Artichoke dip w/ Pita chips. \$ 8.00
Sampler Plate (feeds 4) Onion Strings fries. 2 taquitos and 1 chicken quesadilla. \$ 10.00
French Fries. 100% Russet Potatoes \$ 3.00

Sweet Potato fries, seasoned. \$4.00
Add chili to any side of fries for only \$ 2.00
Ida's Onion Strings

Thinly sliced onions battered & deep fried. \$6.00

Veggie Platter assorted fresh veggies with choice of dip. Sm \$4.50 Lg \$6.00

Hand rolled Chicken Taquitos w/ avocado sauce (3) \$ 5.00

Cheese Quesadilla served w/ our fresh salsa \$ 5.00

Add chicken \$ 2.00

Chips & Salsa. \$ 3.00!

The Best Damn Wings (at least we think so) Spicy hot or Or BBQ. With celery and blue cheese 6pc for \$5 8pc for \$7

Metro Q Mini Burgers

Lean ground beef on mini rolls, dressed w/ lettuce & tomatoes and our aioli mayonnaise. 3 for \$ 5.00 - 5 only \$ 8.00

Burgers

All burgers made from lean ground beef.

Fries included

Get sweet potato fries for a \$ 1.00 more. Add a side of Cole slaw for only \$ 1.00 Add Soup or salad \$ 2.00

Build your own 1/3 lb. Burger \$ 7.00.

Add toppings .75 each. Choose from

Cheddar, Swiss, Mozzarella or Blue cheese crumbles, Onion strings, Sautéed Mushrooms, bacon

Metro Q Chili Size

Grilled 1/3 burger on a grilled bun smothered w/ chili and cheddar cheese served open faced. \$ 8.00

Patty Melt

Buttered rye, with grilled onions. 1/3 lb burger served on grilled rye. \$ 7.00

Metro Burger

1/2 lb burger grilled to perfection all the trimmings 100% premium Angus delicious! \$ 9.00

Sandwiches

All Sandwiches made to order. Served with fries.

(Except where noted)

Add a garden salad for only \$ 2.00.

Get sweet potato fries for a \$ 1.00 more.

Add a side of Cole slaw for only \$ 1.00

Tri Tip Sandwich

Slow roasted served on a French roll. \$ 9.00

Philly Style Chessesteak

Served w/ grilled peppers & onions on a French roll. \$ 9.00

French Dip Sandwiches

On a French roll, choose Turkey, Ham or Beef. \$ 8.00

Sausage or Meatball Sandwich \$ 7.00

Slowly braised in marinara sauce on toasted French

Roll w/ peppers & onions and mozzarella cheese.

Dos Tacos Por Favor

Seasoned Ground Beef \$ 3.00

Fish Tacos. Battered & Deep Fried Cod \$ 4.00

Guido's Tacos

Corned beef hash tacos. Can you dig it! \$ 5.00

Paillard Pork Sandwich

Delicious, tender smoked pork piled on a

Buttered bun w/ bbq sauce and metro slaw \$ 8.00

Fish Sandwich

Battered & Deep Fried Cod. \$ 7.00

Turkey or Chicken Ranch Wrap \$ 8.00

Your choice of turkey or chicken, ranch dressing

On a warm spinach tortilla.

Soups & Salads

Soup Du Jour \$ 4.00

Check daily for selections

Homemade Chili \$ 5.00

Without beans \$ 6.00

House or Cesar Salad \$ 4.00

Blue cheese wedge \$ 5.00

Tangy Metro Q Slaw \$ 3.00

Chicken Cesar Salad \$ 8.00

Cobb Salad \$ 8.00

Served w/ Diced bacon, turkey, ham, tomatoes,

avocado, mushrooms, Blue Cheese crumbles and

Seasonal Fruit Salad

a medley of fresh seasonal fruits. \$ 6.00

BBQ Chicken Salad

Perfectly smoked bbq chicken breast on

our house salad blend w/ Choice of dressing. \$ 8.00

Entrees

All soup or salad \$ 2.00 all dinner entrees come with garlic toast and potato except all pasta dishes.

Sirloin Steak

12 oz steak char grilled \$ 12.00

Sirloin or Chicken Kabobs

Your choice of sirloin or chicken w/ bell peppers onions and tomato

Served on rice pilaf. \$ 12.00

BBQ Chicken Breast

2 pieces of bbq chicken breast w/ rice pilaf and vegetables. \$ 9.00

Sirloin Steak & BBQ Chicken Combo

Our Sirloin steak paired with BBQ chicken breast, vegetables. \$ 15.00

Spaghetti & Meatballs

2 large meatball slow cooked in marinara sauce, w/ garlic toast. \$ 8.00

Pasta of the Day

Check with your server for today's selection.

Served with garlic toast. \$ 9.99

Teriyaki Chicken Bowl

Teriyaki Chicken piled on top of steamed vegetables and rice pilaf. \$ 8.00

Moms Homemade Meatloaf

Mashed taters & gravy and vegetables. \$ 8.00

Country Fried Steak

A generous serving of chicken fried steak smothered w/ country, gravy mashed taters and vegetables. \$ 8.00

Beer Battered Fish & Chips

Cod battered in a beer batter cooked golden brown w/ fries, Q slaw and tarter sauce. \$ 8.00

Jumbo Fried Shrimps

10 golden fried shrimps w/ fries, Q slaw and our cocktail sauce. \$ 10.00

Blackened Salmon Filet

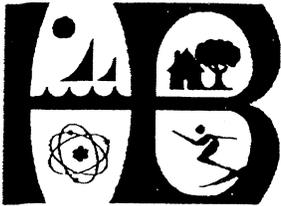
Fresh caught Ataskan salmon blackened medium. Served with rice pilaf & vegetables. \$ 12.00

Ask about our homemade desert selections featuring tempting delights from the "Monkey House Café"

ATTACHMENT NO. 4.1

Location of Trash Enclosures





**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

~~~~~  
P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

**NOTICE OF ACTION**

May 22, 2008

Scott Forst and Ida Vallez  
2398 Willowbrook #16  
Anaheim, CA 92802

**SUBJECT:**                    **CONDITIONAL USE PERMIT NO. 2008-009 (METRO Q RESTAURANT)**

**APPLICANT:**                Scott Forst and Ida Vallez

**REQUEST:**                    To permit the establishment of a 4,995 sq. ft. restaurant with onsite sale and consumption of alcoholic beverages.

**PROPERTY OWNER:**        Phuong Pham, 1738 44<sup>th</sup> Avenue, San Francisco, CA, 94122

**LOCATION:**                    19092 Beach Boulevard #JKLM (east side of Beach Boulevard, south of Garfield Avenue)

**PROJECT PLANNER:**        Tess Nguyen

**DATE OF ACTION:**         May 21, 2008

On Wednesday, May 21, 2008, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal.

ATTACHMENT NO. 6.1

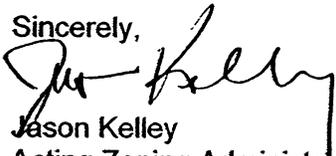
Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty-Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty-Nine Dollars (\$1569.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is June 2, 2008.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless the use has been established.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact the project planner at Tess Nguyen, (714) 374-1744/[tnguyen@surfcity-hb.org](mailto:tnguyen@surfcity-hb.org) or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,



Jason Kelley  
Acting Zoning Administrator  
JK:TN:jd

Attachment

- c: Honorable Mayor and City Council  
Chair and Planning Commission  
Paul Emery, Interim City Administrator  
Scott Hess, Director of Planning  
William H. Reardon, Division Chief/Fire Marshal  
Herb Fauland, Planning Manager  
Terri Elliott, Principal Civil Engineer  
Gerald Caraig, Permit-Plan Check Manager  
City of Huntington Beach, Property Owner  
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2008-009

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 a commercial suite within an existing shopping center.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-009:

1. Conditional Use Permit No. 2008-009 for the establishment of a 4,995 sq. ft. restaurant with onsite sale and consumption of alcoholic beverages 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 proposed restaurant with alcohol sales will not generate additional noise, traffic, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. The site provides the necessary parking to accommodate the proposed restaurant. The sales and consumption of alcoholic beverages are proposed inside the restaurant only. The main entrance of the restaurant is oriented towards Beach Boulevard, away from residential units.
2. The conditional use permit will be compatible with surrounding uses because it is a commercial use located in an existing commercial development with other commercial uses with similar characteristics.
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 proposed use in the district in which it would be located. The restaurant with alcohol sales will be located within an existing commercial center, which conforms to land use and on-site parking requirements applicable to the General Commercial (CG) zoning designation.
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 goals and policies of the General Plan:
  - a. LU 10.1.1: 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. 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 to existing development by allowing the establishment of a restaurant 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.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-009:**

1. The site plan and floor plan, received and dated March 4, 2008, shall be the conceptually approved design with the proposed outdoor dining area removed.
2. The use shall comply with the following:
  - a. Hours of operation of the restaurant with alcohol service shall be between 9:00 AM and 1:00 AM seven days a week. **(PD)**
  - b. Regular food service, consisting of the complete dinner menu, shall be available until one hour before the close of business. **(PD)**
  - c. 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.

**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.

**DRAFT**

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-8 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, MAY 21, 2008 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Jason Kelley, Acting Zoning Administrator

**STAFF MEMBER:** Tess Nguyen, Jill Arabe, Rami Talleh, Judy Demers  
(recording secretary)

**MINUTES:** **NONE**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: CONDITIONAL USE PERMIT NO. 2008-009 (METRO Q RESTAURANT)**

**APPLICANT:** Scott Forst and Ida Valez, 2398 Willowbrook #16, Anaheim, CA 92802  
**PROPERTY OWNER:** Phoung Pham, 1738 44<sup>th</sup> Avenue, San Francisco, CA, 94122  
**REQUEST:** To permit the establishment of a 4,995 sq. ft. restaurant with onsite sale and consumption of alcoholic beverages.  
**LOCATION:** 19092 Beach Blvd., Suite JKLM, 92648 (east side of Beach Blvd., south of Garfield Avenue)  
**PROJECT PLANNER:** Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Ms. Nguyen reported that one letter requesting that alcohol sales cease at midnight was received as well as three phone calls. The calls stated concerns regarding the increase of noise in the area and also inquired on the scope of the project.

Ms. Nguyen stated that the Police Department reviewed the application and made recommendations for the conditions of approval regarding hours of operation and that there be no outdoor dining.

**THE PUBLIC HEARING WAS OPENED.**

Robert Fedor, representing the applicant, stated that the applicant is willing to comply with all of the conditions recommended by Staff and the Police Department.

# DRAFT

Joe Carchio, 19115 Beach Crest Lane, stated that he is total disagreement with staff's recommendations. As the restaurant will be allowed to have two pool tables, Mr. Carchio believes that Metro Q is in reality a sports bar. He voiced his concern that allowing a sports bar would result in an increase in noise, debris, and possibly criminal activity. Mr. Carchio referred to a letter written to the Alcoholic Beverage Control (ABC) by Huntington Beach Police Department which identified more stringent conditions than that presented by Staff.

## **THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Jason Kelley, Acting Zoning Administrator, indicated that he was going to approve the project with a condition that if ABC imposes conditions on the alcohol license that are more restrictive than those imposed by this approval, they will be adhered to.

## **CONDITIONAL USE PERMIT NO. 2008-009 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.**

### **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 a commercial suite within an existing shopping center.

### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-009:**

1. Conditional Use Permit No. 2008-009 for the establishment of a 4,995 sq. ft. restaurant with onsite sale and consumption of alcoholic beverages 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 proposed restaurant with alcohol sales will not generate additional noise, traffic, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. The site provides the necessary parking to accommodate the proposed restaurant. The sales and consumption of alcoholic beverages are proposed inside the restaurant only. The main entrance of the restaurant is oriented towards Beach Boulevard, away from residential units.
2. The conditional use permit will be compatible with surrounding uses because it is a commercial use located in an existing commercial development with other commercial uses with similar characteristics.
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

# DRAFT

Ordinance and any specific condition required for the proposed use in the district in which it would be located. The restaurant with alcohol sales will be located within an existing commercial center, which conforms to land use, setbacks, building heights, on-site parking, and landscaping requirements applicable to the General Commercial (CG) zoning designation.

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 goals and policies of the General Plan:
  - a. LU 10.1.1: 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. 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 to existing development by allowing the establishment of a restaurant 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.

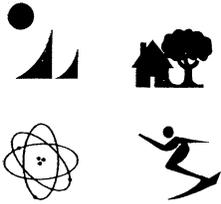
## **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-009:**

1. The site plan and floor plan, received and dated March 4, 2008, shall be the conceptually approved design with the proposed outdoor dining area removed.
2. The use shall comply with the following:
  - a. Hours of operation of the restaurant with alcohol service shall be between 9:00 AM and 1:00 AM seven days a week. **(PD)**
  - b. Regular food service, consisting of the complete dinner menu, shall be available until one hour before the close of business. **(PD)**
  - c. 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.

**DRAFT**

**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

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

April 14, 2008

Scott Forst  
2398 Willowbrook #16  
Anaheim CA 92802

**SUBJECT:           CONDITIONAL USE PERMIT NO. 2008-009 (METRO Q RESTAURANT)—  
19092 BEACH BOULEVARD # JKLM  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Forst:

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 Zoning Administrator. Please note that if the design of your project or if site conditions change, the list may also change based upon modifications to your project and the applicable city policies, standard plans, and development and use requirements.

The attached project implementation code requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within ten calendar days of the approval of the project pursuant to the Huntington Beach Zoning and Subdivision Ordinance Section 248.24. The appeal fee is \$494.00.

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 714-374-1744 ([tnguyen@surfcity-hb.org](mailto:tnguyen@surfcity-hb.org)) and/or the respective source department (contact person below).

Sincerely,

**TESS NGUYEN**  
Associate Planner

Enclosures

cc:           Gerald Caraig, Building & Safety Department – 714-374-1575  
              Lee Caldwell, Fire Department – 714-536-5531  
              Steve Bogart, Public Works – 714-374-1695  
              Alan Caouette, Police Department – 714-536-5960

Herb Fauland, Planning Manager  
Jason Kelly, Planning Department  
Phuong Pham, Property Owner  
Project File

**ATTACHMENT NO. 8.1**



**CITY OF HUNTINGTON BEACH  
PLANNING DEPARTMENT**

**PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** APRIL 14, 2008  
**PROJECT NAME:** METRO Q RESTAURANT  
**PLANNING APPLICATION NO.:** PLANNING APPLICATION NO. 08-044  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 08-009  
**DATE OF PLANS:** MARCH 4, 2008  
**PROJECT LOCATION:** 19092 BEACH BOULEVARD # JKLM, HUNTINGTON BEACH  
**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** (714) 374-1744/ tnguyen@surfcity-hb.org  
**PROJECT DESCRIPTION:** TO PERMIT THE ESTABLISHMENT OF A NEW 4,995 SF RESTAURANT WITH OUTDOOR DINING AND ALCOHOL SALES LOCATED WITHIN 300 FT OF RESIDENTIAL ZONE.

---

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 upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

---

1. The site plan and floor plan approved by the Zoning Administrator shall be the conceptually approved design with the proposed outdoor dining area removed.
2. The use shall comply with the following:
  - a. 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.
  - b. Prior to commencing live entertainment activities, a copy of an approved Entertainment Permit, approved by the Police Department and issued by the Business License Department, shall be submitted to the Planning Department. All conditions of the Entertainment Permit shall be observed.
3. 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 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 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 Zoning Administrator's action. 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 provisions of HBZSO Section 241.18.

4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. Conditional Use Permit No. 08-009 shall not become effective until the ten calendar day appeal period from the date of Zoning Administrator approval of the entitlements has elapsed.
6. Conditional Use Permit No. 08-009 shall become null and void unless exercised within one year 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 Department a minimum 30 days prior to the expiration date.
7. The Zoning Administrator reserves the right to revoke Conditional Use Permit No. 08-009 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.
8. The use 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.
9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
10. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption 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 Zoning Administrator's action.
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 Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.
12. Live entertainment shall not be permitted unless a conditional use permit for this specific use is reviewed and approved.
13. Outdoor dining with alcohol sales 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. shall be permitted with the approval by the Director of Planning. Outdoor dining in excess of 400 sq. ft. shall be permitted subject to Neighborhood Notification and approval by the Director of Planning.



**HUNTINGTON BEACH  
DEPARTMENT OF BUILDING & SAFETY  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** APRIL 3, 2008  
**PROJECT NAME:** METRO Q RESTAURANT  
**PLANNING APPLICATION:** PLANNING APPLICATION NO. 08-044  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 08-009  
**DATE OF PLANS:** MARCH 4, 2008  
**PROJECT LOCATION:** 19092 BEACH BOULEVARD #J (INCLUDES K, L, & M), HUNTINGTON BEACH  
**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER  
**PLAN REVIEWER:** ERIC HAGHANI, PLAN CHECK ENGINEER  
**TELEPHONE/E-MAIL:** (714) 374-1589 / [ehaghani@surfcity-hb.org](mailto:ehaghani@surfcity-hb.org)  
**PROJECT DESCRIPTION:** TO PERMIT THE ESTABLISHMENT OF A NEW 4,995 SF RESTAURANT

---

The following is a list of code requirements deemed applicable to the proposed project based on plans received as 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. This list is not intended to be a full and complete list and serves only to highlight possible building code issues on the proposed preliminary plans. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer.

---

**I. SPECIAL CONDITIONS:**

1. None

**II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:**

1. This project shall comply with Title 24 and the 2007 California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), and California Energy Code (CEnC).
2. Provide a letter of approval from the County Health Department. County Health Department approval must be submitted before building permit is issued.
3. A California licensed architect is required to analyze the following:
  - a. The occupant load analysis
  - b. The exit analysis
  - c. The occupancy separation with the adjacent tenants

ATTACHMENT NO. 8.4

4. Provide an accurate area calculation on the plans. Fire sprinklers may be required per CBC Section 903.2.1.2: *"An automatic sprinkler system shall be provided for Group A-2 occupancies where on of the following conditions exists:*
  - a. *The fire area exceeds 5,000 sf,*
  - b. *The fire area has an occupant load of 100 or more,*
  - c. *The fire area is located on a floor other than the level exit discharge."*
5. New Certificate of Occupancy is required.



## HUNTINGTON BEACH FIRE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** APRIL 3, 2008

**PROJECT NAME:** METRO Q RESTAURANT

**PLANNING APPLICATION NO.:** PLANNING APPLICATION NO. 08-044

**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 08-009

**PROJECT LOCATION:** 19092 BEACH BOULEVARD # J (INCLUDES K, L, & M), HUNTINGTON BEACH.

**PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER

**TELEPHONE/E-MAIL:** (714) 374-1744/ tnguyen@surfcity-hb.org

**PLAN REVIEWER-FIRE:** LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST

**TELEPHONE/E-MAIL:** (714) 536-5531/ lcaldwell@surfcity-hb.org

**PROJECT DESCRIPTION:** TO PERMIT THE ESTABLISHMENT OF A NEW 4,995 SF RESTAURANT WITH OUTDOOR DINING AND ALCOHOL SALES LOCATED WITHIN 300 FT OF RESIDENTIAL ZONE.

---

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated March 13, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST.

---

#### THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO ISSUANCE OF BUILDING PERMITS:

**NOTE:** Unit occupancy square footage is portrayed at 4,995 square feet. Included drawing indicates that the combined suites are ninety nine feet (99') by fifty three feet (53') for a total of five thousand two hundred and forty seven square feet (5247 square feet).

- a. **Automatic Fire Sprinklers** are required. NFPA13 Automatic fire sprinkler systems are required per Huntington Beach Fire Code for new buildings with "fire areas" 5000 square feet or more or for buildings 10,000 square feet or more. An addition of square footage to an existing building also triggers this requirement.

**NOTE:** Significant changes to the Huntington Beach Fire Code have occurred as of January 1, 2008 as a result of the adoption of the International Fire and Building Codes by the State of California. An option may be available to the applicant to demise a portion of the structure with a rated fire barrier. Fire sprinklers will be required for fire areas 5000 square feet or greater or combined floor areas 10,000 square feet or greater per adopted Huntington Beach Fire Department amendments.

ATTACHMENT NO. 8.6

Separate plans (three sets) shall be submitted to the Fire Department for permits and approval. The system shall provide water flow, tamper and trouble alarms, manual pull stations, interior and exterior horns and strobes, and 24-hour central station monitoring.

Automatic fire sprinkler systems must be maintained operational at all times, with maintenance inspections performed quarterly and the system serviced every five years by a state licensed C-16 Fire Protection Contractor.

For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with the Huntington Beach Fire Code, NFPA 13, and City Specification # 420 - *Automatic Fire Sprinkler Systems* in the plan notes. (FD)

- b. ***Awning Covered Areas.*** Fire sprinkler coverage over awning covered areas of sprinklered commercial buildings needs to be extended to include the new awning covered areas. NFPA 13, 8.14.7.4. (FD)
- c. ***Fire Department Connections (FDC)*** to the automatic fire sprinkler systems shall be located to the front of the building, at least 25 feet from and no farther than 150 feet of a properly rated fire hydrant. (FD)
- d. ***Food Preparation Fire Protection System*** required for this project. Plans (three sets) shall be submitted to the Fire Department as separate plans for permits and approval. Reference compliance with *City Specification # 412 Protection of Commercial Cooking Operations* in the plan notes. (FD)
- e. ***Fire Extinguishers*** shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. (FD)
- f. ***Cold Storage Rooms or Walk-In Freezers*** doors shall be openable without the use of a key or any special knowledge or effort. Doors shall not be locked, chained, bolted, barred, latched or otherwise rendered unopenable at times when the building or area served by the means of egress is occupied. (FD)
- g. ***Mushroom Space Heaters***, If utilized shall meet the following requirements:
  - Heaters shall display a U.L. listing number or other nationally recognized standard.
  - Heaters shall be used in open-air areas only. Indoor use is not permitted.
  - Heaters shall be equipped with a safety tilt shut-off switch.
  - Heaters shall be set upon a firm and level foundation.
  - Heaters shall not be located inside of or within three feet of the awning or canopy footprint. (CFC 1107.1)
  - Placements of heater(s) shall not be closer than 5' from buildings. (CFC 8204.3 and Table 8204-A)
  - Heaters shall not obstruct the clear path of exits. (CFC 1203)

- Heaters shall maintain a minimum of 3-foot clearance from any combustible material. (CFC 1107.1)
  - Heaters shall not be stored or used within any structure. (CFC 1103.3.2.6)
  - The storage of spare cylinders is not allowed. (CFC 101.4 and 1103.3.2.6) **(FD)**
- h. **Exit Signs and Exit Path Markings** will be provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. **(FD)**
- i. **Decorative Materials** shall be in conformance with HBFC sec. 1103.3.3 and shall be flame resistant. **(FD)**
- j. **Posting of Room Occupancy** is required. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the capacity of the room posted in a conspicuous place near the main exit per HBFC sec. 2501.16.1. **(FD)**
- k. **Egress Illumination/Emergency Exit Lighting** with emergency back-up power is required. Provide means of egress illumination per HBFC 1211.1 and UBC 1003.2.9. **(FD)**
- l. **Exit Ways and Aisles Plan** is required for this project. HBFC section 2501.14.Plans shall be submitted indicating the seating arrangement, location and width of exit ways and aisles for approval and an approved copy of the plan shall be kept on display on the premises. **(FD)**
- m. **Building Address Numbers** shall be installed to comply with City Specification #428, Premise Identification. Building address number sets are required on front of the structure and shall be a minimum of six inches (6") high with one and one half inch (1 ½") brush stroke. For Fire Department approval, reference compliance with City Specification #428 Premise Identification in the plan notes and portray the address location on the building. **(FD)**

**THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:**

- a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. **(FD)**

**OTHER:**

- a. Discovery of soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**

- b. Outside City Consultants. The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

---

Fire Department City Specifications may be obtained at:  
Huntington Beach Fire Department Administrative Office  
City Hall 2000 Main Street, 5<sup>th</sup> floor  
Huntington Beach, CA 92648

or through the City's website at [www.surfcity-hb.org](http://www.surfcity-hb.org)

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

S:\Prevention\1-Development\1-Planning Department - Planning Applications, CUP's\2008 CUP's\Beach 19092 Unit J; PA# 08-044; CUP# 08-009 4-2-08 DAT LC.doc



# HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

## PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** April 10, 2008  
**PROJECT NAME:** METRO Q RESTAURANT  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 08-009  
**PLNG APPLICATION NO:** 2008-0044  
**DATE OF PLANS:** MARCH 4, 2008  
**PROJECT LOCATION:** 19092 BEACH BOULEVARD # J (INCLUDES K, L, & M), HUNTINGTON BEACH  
**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** 714-374-1744 / [TNGUYEN@SURFCITY-HB.ORG](mailto:TNGUYEN@SURFCITY-HB.ORG)  
**PLAN REVIEWER:** STEVE BOGART, SENIOR CIVIL ENGINEER  
**TELEPHONE/E-MAIL:** 714-536-5431 / [SBOGART@SURFCITY-HB.ORG](mailto:SBOGART@SURFCITY-HB.ORG)  
**PROJECT DESCRIPTION:** TO PERMIT THE ESTABLISHMENT OF A NEW 4,995 SF RESTAURANT WITH OUTDOOR DINING AND ALCOHOL SALES LOCATED WITHIN 300 FT OF RESIDENTIAL ZONE.

---

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

---

### **THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL INSPECTION OR OCCUPANCY:**

1. A separate dedicated fire service line and a backflow protection device shall be constructed per Water Division Standards for the fire sprinkler system if the proposed building area exceeds 5,000 square feet per Fire Department requirements. (ZSO 230.84)
2. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
3. An Encroachment Permit is required for all work within Caltrans' right-of-way.
4. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at [http://www.surfcity-hb.org/files/users/public\\_works/fee\\_schedule.pdf](http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf) . (ZSO 240.06/ZSO 250.16)

ATTACHMENT NO. 8.10



# CITY OF HUNTINGTON BEACH

2000 MAIN STREET  
P. O. BOX 70

POLICE DEPARTMENT

Kenneth W. Small  
Chief of Police

CALIFORNIA 92648

Tel: (714) 960-8811

City of Huntington Beach

April 8, 2008

MAY 07 2008

Department of Alcoholic Beverage Control  
28 Civic Center Plaza, Room 369  
Santa Ana, CA 92701

Applicant: FORST Scott Alan, VALLEZ Ida Louise  
DBA: Metro Q  
19092 Beach Blvd., Suites J through M  
Huntington Beach, CA 92648  
File: 411758

To Whom It May Concern:

On January 18, 2008, the Huntington Beach Police Department received the following application for Metro Q, located at 19092 Beach Blvd. The Huntington Beach Police Department is protesting the issuance of this new license for the following reason:

Metro Q is located within a shopping mall located on the S/E corner of Beach Blvd., and Garfield Avenue. Adjacent to this mall is a large residential area within 50 feet from the rear of Metro Q.

The current licensee (Beer Nutz) currently has a Type 42 ABC License (Public Premises - Beer/Wine Only). The police department has no objection to the change in the license. However, the Police Department would like to condition this license to preserve the peace and quiet of the nearby residents and bring their conditions up to the standard operating conditions set throughout the City of Huntington Beach and the nearby alcohol service establishments. Previous complaints from residents include minors inside the location, minors consuming alcohol, loud music emitting from location, and people in the parking lot causing disturbances with fighting and loud conduct.

Agreement of the following conditions will allow the Huntington Beach Police Department to withdraw our conditional protest for the ABC License.

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 AM and 12:00 AM, Daily.
2. The sale of alcoholic beverages for consumption off the premises is prohibited.

**DRUG USE  
IS  
LIFE ABUSE**

ATTACHMENT NO. 9.11

3. Outdoor service or consumption of alcoholic beverages is prohibited.
4. There shall be no live entertainment of any type, including, but not limited to, live music, disc jockey, karaoke, topless entertainment, male or female performers or fashion show. (This is per the Conditional Use Permit).
5. Music shall not be audible beyond the control of the establishment.
6. A minimum of two (2) security guard shall be on the premises between the hours of 7:00 PM to one-half hour after closing, to maintain order in the parking lot and prevent noise and patrons leaving from disturbing the neighbors. The security guard shall be clothed in such a manner identifying themselves as security. All guards must possess a valid Guard Card from the State of California.
7. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
8. Petitioner shall not share any profits, or pay any percentage or commission to a promoter or any other person, based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders, or the sale of drinks.
9. There shall be no requirement to purchase a minimum number of drinks.
10. No "Happy Hour" type of promotion shall be permitted.
11. All exterior doors to be closed from the hours of 7:00 PM to one-half hour after closing.

Sincerely,

 (ACTING C.O.P.)

Kenneth W. Small  
Chief of Police



**CITY OF HUNTINGTON BEACH**  
**INTER-DEPARTMENT COMMUNICATION**

**TO:** Tess Nguyen, Associate Planner

**FROM:** Kenneth W. Small  
Chief of Police

*CA / ACTING  
COP*

**DATE:** April 9, 2008

**SUBJECT:** Conditional Use Permit No. 08-009

---

On March 18, 2008, I received notification that the Metro Q Restaurant located at 19092 Beach Blvd Suite #J, is applying for a conditional use permit, which would permit the sales and consumption of alcohol at the location. The business is located on the southeast corner of Beach Blvd. and Garfield Ave. The front of the business faces west with parking spots directly in front of it. A sidewalk is currently in front of the location and has no outside customer seating. There is no rear door at this location; however to the rear is a residential neighborhood.

After reviewing the contents of the application for Metro Q's Conditional Use Permit (CUP) and Planning Application, it appears that the plans sufficiently address many issues including safety and security. The main concern that the Police Department has is the amount of noise that potentially could be created at the location, especially when the kitchen ceases food service operations and the location becomes more of a bar-like setting. An additional concern is the proposed addition of an outside dining area/patio which could increase the level of noise emitting from the business. The proposed area is the sidewalk in front of the location that measures eight feet in width. Metro Q desires to utilize four feet of this sidewalk causing a potential hazard for pedestrian traffic. The patio is intended to measure four feet in width by thirty-two feet in length. The area is a safety concern due to the potential for overcrowding and absence of fire exits.

On April 2, 2008 I submitted a letter to the California Department of Alcoholic Beverage Control (ABC) conditionally protesting this locations application for an ABC license. In the protest letter I requested specific conditions that would reduce the likelihood of alcoholic beverages leaving the premises, and potentially leading to increased litter, and disturbances caused by intoxicated patrons.

I would request that the City of Huntington Beach place a condition on the applicant's conditional use permit restricting the consumption and sales of alcoholic beverages to the interior of the business.

Over the past year, when the location was operating as Beer Nut'z, the police department responded to 59 calls for service. These incidents, along with various other calls for service, were related to fighting, assault with a deadly weapon, narcotics activity, and others labeled as disturbing the peace.

ATTACHMENT NO. 10.1

The plans indicate that the front windows, facing Beach Blvd, will be capable of sliding open. To prevent unnecessary noise, we would recommend that the front windows and doors remain closed after 7:00 pm and during hours of entertainment. This will assist in maintaining a peaceful ambient noise level in the immediate area.

Huntington Beach Municipal Code 8.40.112 (a) states that "it shall be unlawful for any person to use, operate, or permit to be operated any radio, receiving set or device, television set, musical instrument, phonograph, CD, DVD, tape player, juke box, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet, and comfort of other persons." Requiring the windows to be closed would further ensure compliance with this regulation.

For an on-sale alcohol permit, the California Department of Alcoholic Beverage Control requires that the licensee have regular food service between 11:00am and 2:00pm, and also between 6:00pm and 9:00pm, at least five days a week. After these hours, a licensed establishment may serve alcoholic beverages without regular food services. In the Statement of Operations provided by Metro Q, the restaurant indicates that they intend to sell after dinner drinks and cocktails. To prevent the business from transitioning from a restaurant to a bar or night club, we would ask that regular food service, consisting of the complete dinner menu, be available until one hour before closing of business.

In agreement with Metro Q's original proposal of closing at 1:00 am Sunday-Thursday; we would also recommend that the locations closing hours be restricted to no later than 1:00 am seven days a week. This would reduce the likelihood of disturbances that might impact the surrounding residents. A majority of the businesses in the complex close before 10:00 pm, with only Taco Bell and Surf City Hookah lounge being open later into the evening. Surf City Hookah is open to 1:00 am and employs a security guard to reduce noise complaints.

To promote a family friendly image in Huntington Beach, we would also request that the CUP prohibit the use of any advertisements or banners that will be promoting the sales of alcohol visible from the outside of the business.

The Huntington Beach Police Department supports the economic development of the local businesses; however, we must weigh the overall benefit to the community against the benefit to the business when establishing operating guidelines. We believe that modifying the conditions of Metro Q's CUP would have a negative impact on the quality of life in Huntington Beach. We believe that by not allowing the outside dining, reduction of hours requested, and prohibiting advertisements promoting alcohol will help Metro Q establish itself as a valuable business to the community.

If you have any question, please feel free to contact Detective Alan Caouette at 714-536-5960.

ATTACHMENT NO. 10.2



**CITY OF HUNTINGTON BEACH**  
INTER-DEPARTMENT COMMUNICATION

**TO:** Tess Nguyen  
Associate Planner

**FROM:** Kenneth W. Small  
Chief of Police *KT / ACTING CHIEF*

**DATE:** June 20, 2008

**SUBJECT:** Conditional Use Permit No. 08-009,  
Metro Q Restaurant, 19092 Beach Blvd., Suite J

---

The purpose of this Inter-Department Communication is to clarify and update the Police Department's recommendations for the below listed items of the Conditional Use Permit (CUP) for the proposed Metro Q Restaurant. The recommendations for the CUP are based on the history of different businesses at the location, the quality of life concerns of area residents and other businesses, public safety concerns and an effort to be fair and reasonable to the new owners of the Metro Q Restaurant. It is the Department's desire for the restaurant to be successful while at the same time not compromise the quality of life or public safety for the community.

Recommendations:

1. Hours of operation from 9:00 AM to 1:00 AM daily.

Allowing Metro Q Restaurant to operate until 1:00 AM daily is reasonable. The ownership of Metro Q Restaurant is not affiliated with Beer Nutz and Metro Q Restaurant ownership has stated the emphasis of their business will be as a restaurant, not just a bar. Taco Bell and Surf City Hookah smoking lounge are the only other businesses in this complex allowed to operate past 10:00 PM daily (Surf City Hookah lounge is open until 1:00 AM daily). However, many other businesses in the area with an ABC license stay open until 2:00 AM daily. Kit's Place, Max's Sports Grill, Shooters, Surf City Salon and The Pen all stay open until 2:00 AM daily. Therefore, considering the negative history of this location, the new ownership and other businesses operating until 2:00 AM, it is reasonable to allow Metro Q Restaurant to operate until 1:00 AM.

2. Sales, service and consumption of alcoholic beverages only between the hours of 9:00 AM and 1:00 AM, seven days a week.

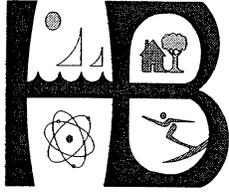
In a Police Department letter dated April 8, 2008 to the Department of Alcoholic Beverage Control (ABC) the Police Department's recommendation was to permit alcohol sales, service and consumption from 11:00 AM to 12:00 AM daily. However, this recommendation was made with the understanding the ABC license for Beer Nutz

ATTACHMENT NO. 11.1

would be transferred to Metro Q Restaurant. Beer Nutz was the previous business at the location. Beer Nutz' ABC license allowed alcohol sales between 11:00 AM to 12:00 AM daily. The Police Department did not believe the current license should be modified. However, the Department recently learned Metro Q Restaurant has applied for a new ABC license. Considering the new license, it is reasonable to have alcohol sales consistent with the overall hours of operation.

3. The CUP to be reviewed by City staff after Metro Q Restaurant has been in operation for six and 12 months. At these times, any condition of the CUP will be subject to modification. This condition does not prohibit the Police or Planning Departments from taking appropriate enforcement action and prosecution at anytime.

The Police and Planning Departments will monitor Metro Q Restaurant's operations to identify conditions which may have a negative impact on the quality of life for area residents and public safety. This would include vehicular traffic of the business complex and public roadways in the area.



# CITY OF HUNTINGTON BEACH

## Planning Commission Communication

**TO:** Scott Hess, Planning Commission Secretary

**FROM:** Fred Speaker, Planning Commissioner *FS GH HF*

**DATE:** June 2, 2008

**SUBJECT: APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF  
CONDITIONAL USE PERMIT NO. 08-009 (METRO Q RESTAURANT)**

---

*City of Huntington Beach*  
**JUN - 2 2008**

I am hereby appealing the Zoning Administrator's May 21, 2008 approval of Conditional Use Permit No. 08-009. The request is to permit the establishment of a 4,995 sq. ft. restaurant with onsite sale and consumption of alcoholic beverages located at 19092 Beach Boulevard # JKLM (east side of Beach Boulevard, south of Garfield Avenue).

The basis of my appeal is that approval of a restaurant with onsite sale and consumption of alcoholic beverages beyond 12 AM (midnight) is incompatible with the adjacent residential neighborhood. The service of alcoholic beverages may generate additional noise and traffic that has the potential to impact the adjacent residential area.

Pursuant to Section 248.18 of the Huntington Beach Zoning and Subdivision Ordinance, the Planning Commission shall hear an appeal from the Zoning Administrator.

FS:SH:HF:tn

cc: City Council  
Planning Commission  
Paul Emery, Interim City Administrator  
Herb Fauland, Principal Planner  
Tess Nguyen, Associate Planner  
Phuong Pham, Property Owner  
Scott Forst and Ida Vallez, Applicant

June 30, 2008

Members of the Huntington Beach Planning Commission:

Honorable members of the Commission,

We encourage the members of the Planning Commission to visit our location at 19092 Beach Blvd at your convenience so you can view our project first hand. We would love to explain our project to you and how we feel this would be a positive addition to the area. Also, you can review the plans as submitted and see how much improvement we have planned. Our intention is to keep a clean, well run, respected establishment managed by local citizens for a long time. Our vast experience will almost guarantee success in this location if you allow us to follow our plan.

We are looking very forward to meeting with you!

Thanks in advance for your time.

Scott Forst & Ida Vallez

Metro Q  
19092 Beach Blvd (at Garfield)  
Formally "Beer Nutz"

714 553 2335 or  
714 658 4513

City of Huntington Beach

JUN 30 2008

ATTACHMENT NO. 13.1