



City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Tess Nguyen, Associate Planner TN
DATE: June 24, 2008

SUBJECT: **APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 2008-009 (METRO Q RESTAURANT)**

LOCATION: 19092 Beach Boulevard, Suites J, K, L, and M, 92648 (east side of Beach Blvd., south of Garfield Ave.)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

The item is an appeal filed by Planning Commissioner Speaker of the May 21, 2008, Zoning Administrator's approval of Conditional Use Permit (CUP) No. 08-009. The entitlement is to permit the establishment of a 4,995 sq. ft. restaurant with onsite sale and consumption of alcoholic beverages.

The proposed restaurant is located at 19092 Beach Boulevard in an existing shopping center on the east side of Beach Boulevard, south of Garfield Avenue. The proposed hours of operation are from 9:00 AM to 1:00 AM on Sundays through Thursdays and 9:00 AM to 2:00 AM on Fridays and Saturdays. Ten employees will operate the proposed restaurant, which includes a dining area, bar, and two pool tables. The restaurant is surrounded to the north, south, and west by commercial uses. Behind the proposed restaurant to the east are multi-family residences.

The project complies with the General Plan and provisions of the Commercial General zoning district including land uses and minimum on-site parking requirements. Restaurants with onsite sale and consumption of alcoholic beverages located within 300 feet of residential district are allowed in the base zoning district with approval of a CUP. The proposed restaurant is compatible with surrounding uses because it is a commercial use located in an existing commercial development with other commercial uses with similar characteristics.

CURRENT 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

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION:

April 3, 2008

MANDATORY PROCESSING DATE(S):

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 tentatively scheduled for public hearing before the Planning Commission on July 8, 2008.

CEQA ANALYSIS/REVIEW

The proposed project is Categorically Exempt, pursuant to Section 15301, Class 1 of the California Environmental Quality Act, because the project consists of minor alterations to a commercial suite within an existing shopping center.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Departments of Building and Safety, Fire, and Public Works have reviewed the application and identified comments and applicable code requirements provided in Attachment No. 4. The Police Department reviewed the proposed restaurant with alcohol sales and provided comments in a letter to the Department of Alcohol Beverage Control dated April 8, 2008 (Attachment No. 5). In the letter, the Police Department expressed concern with potential negative impacts to the nearby residents. On April 9, 2008, the Police Department provided comments to the Planning Department reiterating their concerns with the proposed alcohol sales (Attachment No. 6). The two letters however have different recommended conditions of approval. Staff is working with the Police Department to clarify the discrepancies and provide a consistent recommendation on suggested conditions of approval.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

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.

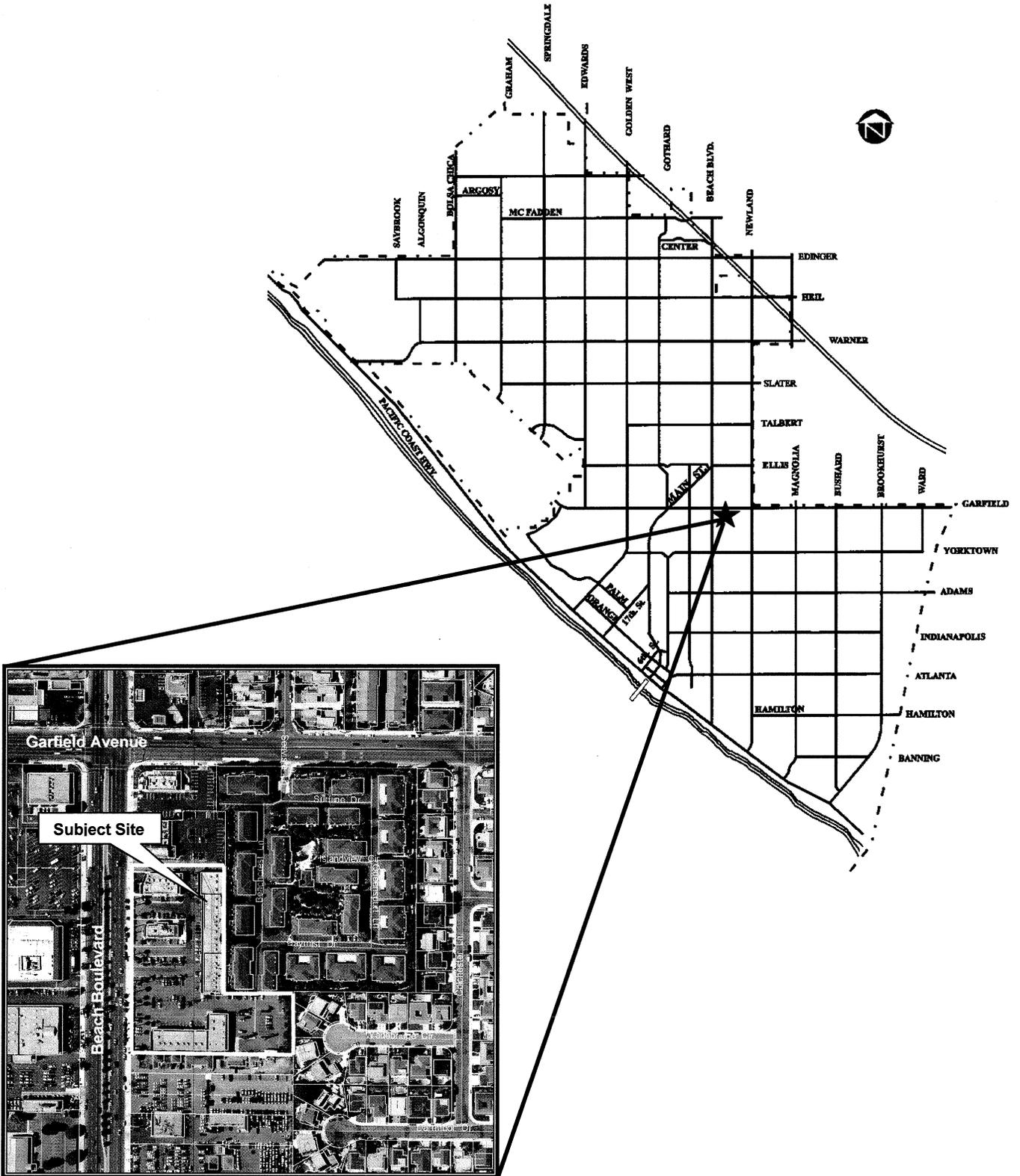
The applicants, the applicants' representative, and one residential neighbor were present at the May 21, 2008, Zoning Administrator meeting. The applicants' representative spoke in favor of the request and indicated that the applicants are in agreement with the suggested conditions of approval. The neighboring 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.

PLANNING ISSUES

The primary issue for the Planning Commission to consider is compatibility with the adjacent residential neighborhood, compliance with the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) requirements for a restaurant with alcohol service, and consistency with the goals, objectives, and policies of the General Plan.

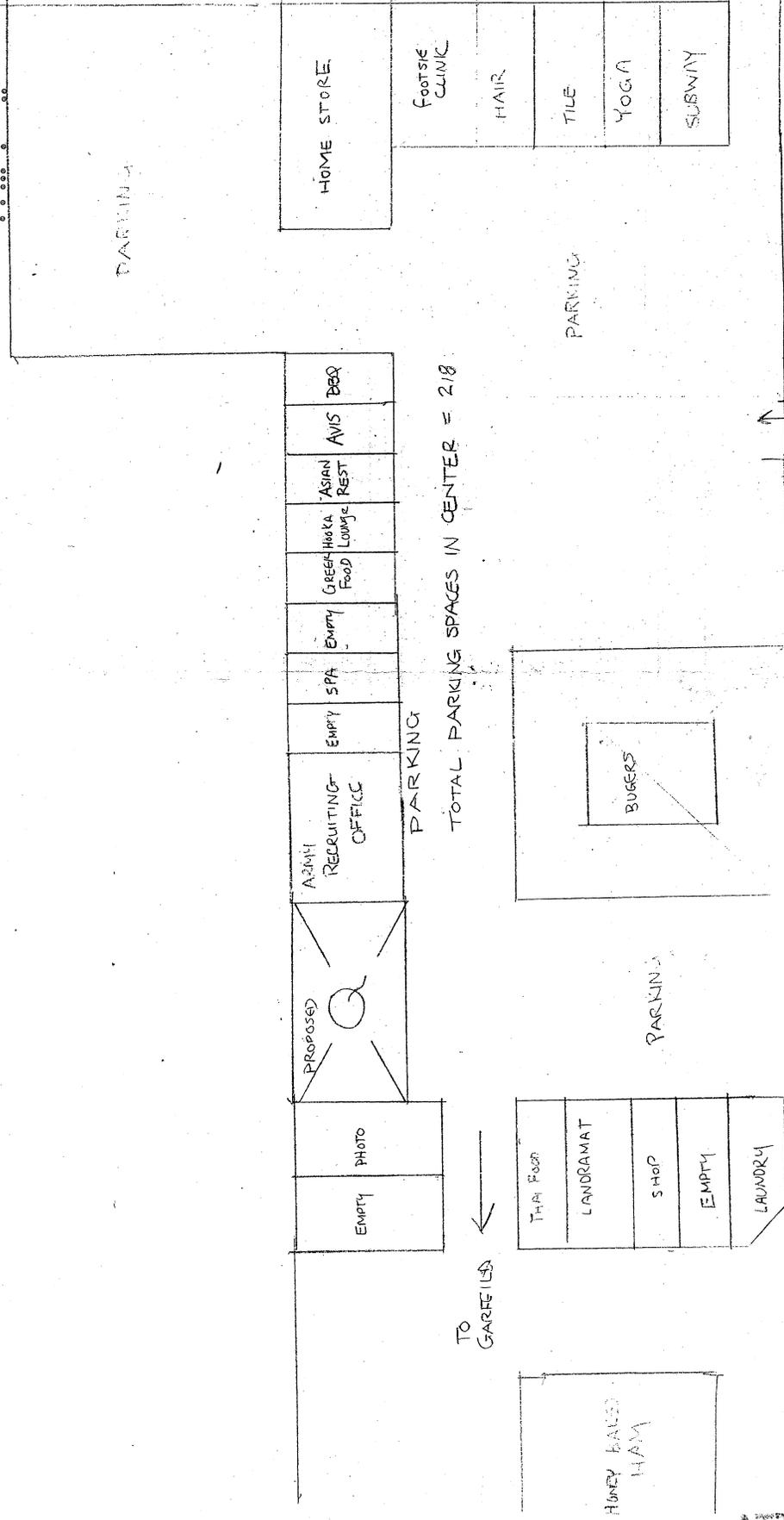
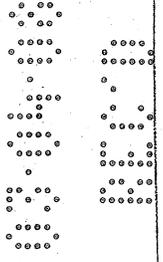
ATTACHMENTS:

1. Vicinity Map—CUP No. 08-009
2. Site plan, floor plan, and elevations received and dated March 4, 2008
3. Zoning Administrator Notice of Action – CUP No. 08-009 dated May 22, 2008
4. Code Requirements Letter – CUP No. 08-009 dated April 14, 2008.
5. Police Department Letter to the Department of Alcoholic Beverage Control dated April 8, 2008
6. Police Department Memo to the Planning Department dated April 9, 2008
7. Project Narrative dated March 4, 2008
8. Planning Commissioner Speaker appeal letter dated June 2, 2008



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

Metro Q Site Plan

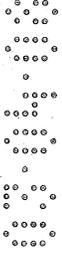


OWNER:
Phuong Pham
1738 4th AVE UNIT
SAN FRANCISCO, CA 94112
415/753-3000

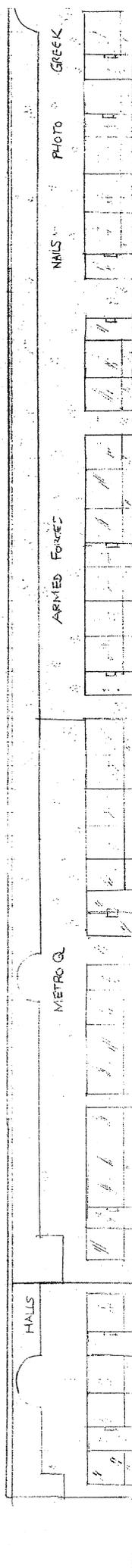
Applicant:
Scott Forst / Ida Valdez
2398 Willowsbrook #16
Anaheim, CA 92802
714-553-2335

1907Z
BEACH BLVD
Suites J, K, L, M
Northwestern Beach, CA 92648

Scale 1/8" = 10'



METRO Q BUILDING ELEVATION



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



Scale 1/8" = 1'0"

ATTACHMENT NO. 2.3

Owner:
 Phuong Pham
 1738 4th Ave
 San Francisco CA 94122
 415/753-3000

Applicant:
 Scott Forst / Ida Vobler
 2398 Willowbrook, #16
 Graham, GA 92802
 714/553-2335



**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 44th 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. 3.1

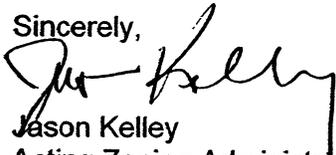
Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty-Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty-Nine Dollars (\$1569.00) if the appeal is filed 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 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.

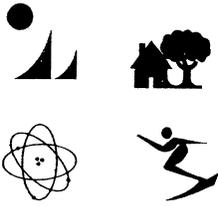
The requested conditional use permit will accommodate to existing development by allowing the establishment of a restaurant with alcohol sales. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities 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.



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) 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. 4.1



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
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

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 one 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. 4.6

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, 5th floor
Huntington Beach, CA 92648

or through the City's website at **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

ATTACHMENT NO. 4.9



HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: April 10, 2008 City of Huntington Beach

PROJECT NAME: METRO Q RESTAURANT

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 08-009 APR 11 2008

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

PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER *SB*

TELEPHONE/E-MAIL: 714-536-5431 / 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%20works/fee%20schedule.pdf) . (ZSO 240.06/ZSO 250.16)

ATTACHMENT NO. 4.10



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. 5.1

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

City of Huntington Beach

FROM: Kenneth W. Small
Chief of Police

*CA / ACTING
COP*

APR 10 2008

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. 6.1

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.

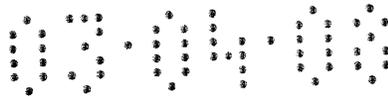
In agreement with Metro Q's original proposal of closing at 1:00 am Sunday-Thursday; we would also recommend that the locations closing hours be restricted to no later than 1:00 am seven days a week. This would reduce the likelihood of disturbances that might impact the surrounding residents. A majority 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.

March 3, 2008



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



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 restaurateurs 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.

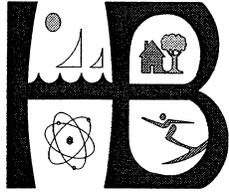
The population MetroQ wishes to serve is Huntington Beach patrons who enjoy fine quality cuisine and cheerful service.

Sincerely,

Scott Forst

Ida Valdez

ATTACHMENT NO. 7.1



CITY OF HUNTINGTON BEACH

Planning Commission Communication

City of Huntington Beach
JUN - 2 2008

TO: Scott Hess, Planning Commission Secretary

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

DATE: June 2, 2008

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

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