



City of Huntington Beach Planning and Building Department  
**STUDY SESSION REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Tess Nguyen, Associate Planner *TN*  
**DATE:** March 23, 2010  
**SUBJECT: ONE-YEAR REVIEW OF CONDITIONAL USE PERMIT NO. 08-009 (METRO Q RESTAURANT)**

**APPLICANT/  
BUSINESS**

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

**PROPERTY**

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

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

---

**PROJECT REQUEST AND SPECIAL CONSIDERATIONS**

This item represents a one-year review of Conditional Use Permit No. 08-009, approved by the Planning Commission on July 8, 2008. Conditional Use Permit No. 08-009 allowed the establishment of a 4,995 sq. ft. eating and drinking establishment (Metro Q Restaurant) with on-site sale and consumption of alcoholic beverages at 19092 Beach Boulevard, Suites J, K, L, and M. When Conditional Use Permit No. 08-009 was approved, the Planning Commission required a review of the use within six months and one year of the issuance of a Certificate of Occupancy (Condition of Approval No. 4). The Certificate of Occupancy for the Metro Q Restaurant was issued on March 24, 2009. The six-month review was conducted at the study session at the September 9, 2009 meeting. The Planning Commission received and filed the six-month review of Conditional Use Permit No. 08-009 as adequate.

**CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	CG-F1 (Commercial General—0.35 Max FAR)	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:**      **MANDATORY PROCESSING DATE(S):**

The Certificate of Occupancy was issued March 24, 2009.

Within one year of the issuance of a Certificate of Occupancy (March 2010).

## **CEQA ANALYSIS/REVIEW**

The proposed project is Categorically Exempt, pursuant to Section 15309, Class 9 of the California Environmental Quality Act, because the project is a review to check for compliance of conditions of approval.

## **COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES**

The Planning Department, Police Department, and Code Enforcement Division have reviewed the project's conditions of approval to ensure compliance. Since the six-month review of the restaurant in September 2009, the Police Department documented three incidents at Metro Q Restaurant. These three incidents involved loud talkers and an intoxicated person who was threatening others. There was no indication that Metro Q had done anything inappropriate during these incidents. According to the Police Department, the nature of these incidents did not represent a detriment to the quality of life of the community.

## **PUBLIC MEETINGS, COMMENTS AND CONCERNS**

There have been no public meetings regarding this project. To date, there have been no comments from the public regarding this project.

## **PLANNING ISSUES**

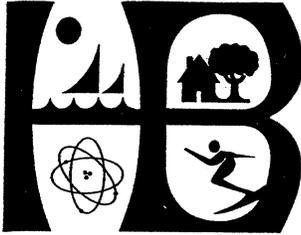
The purpose of the one-year review is to verify Metro Q Restaurant's compliance with all conditions of approval and applicable chapters of the Huntington Beach Zoning and Subdivision Ordinance. The review considered complaints, calls for service, and on-site inspections by the Police Department, Planning Department, and Code Enforcement Division. Since the six-month review in September 2009, three Police Department calls for service were received (Attachment No. 2). Based on the low number and nature of the service calls, the Police Department believes that the restaurant should continue to operate under the current conditions. Based on the above information, staff has determined that the restaurant is in compliance with all conditions of approval and no modifications to the conditions are recommended.

Staff's Recommendation:

Staff recommends the Planning Commission receive and file the one-year review of Conditional Use Permit No. 08-009 as adequate.

**ATTACHMENTS:**

1. Planning Commission Notice of Action dated July 9, 2008 (CUP No. 08-009)
2. Police Department Memorandum dated February 10, 2010



# Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

## NOTICE OF ACTION

July 9, 2008

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

**SUBJECT:** CONDITIONAL USE PERMIT NO. 08-009 (APPEAL – METRO Q RESTAURANT)

**APPLICANT:** Scott Forst and Ida Vallez

**APPELLANT:** Planning Commissioner Fred Speaker

**REQUEST:** To permit the establishment of a 4,995 sq. ft. eating and drinking establishment (restaurant) with on-site sales and consumption of alcoholic beverages.

**PROPERTY OWNER:** Phuong Pham, 1738 44<sup>th</sup> Avenue, San Francisco, CA 91422

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

**DATE OF ACTION:** July 8, 2008

On Tuesday, July 8, 2008, the Huntington Beach Planning Commission took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and modified conditions of approval.

Please be advised that the Planning Commission 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 Planning Commission 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 City Clerk within ten (10) calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the

**ATTACHMENT NO.** 1.1

grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand, Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) 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 July 18, 2008 at 5:00 PM.

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 actual construction has started.

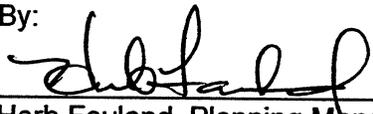
"Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will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

If you have any questions, please contact Tess Nguyen, the project planner, at [tnguyen@surfcity-hb.org](mailto:tnguyen@surfcity-hb.org) or (714) 374-1744 or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,

Scott Hess, Secretary  
Planning Commission

By:

  
\_\_\_\_\_  
Herb Fauland, Planning Manager

SH:HF:TN:lw

Attachment: Findings and Conditions of Approval – CUP No. 08-009

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

ATTACHMENT NO. 1.2

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 2008-009**

**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.

**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:

**ATTACHMENT NO. 1.3**

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.

**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.
  - d. There shall be no trash disposal from 10:00 PM to 8:00 AM seven days a week.
3. Prior to the issuance of a Certificate of Occupancy, the applicant shall install signs in the parking lot of the restaurant to inform customers where to park. The signs shall generally read "Patrons of Metro Q shall not park on the adjacent property (north) parking lot." A site plan and sign plan indicating the location of the proposed signs and the wording of said signs shall be submitted to the Planning Department for review and approval.

ATTACHMENT NO. 1.4

4. A review of the use shall be conducted by 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. A report of the findings of the staff review shall be forwarded to the Planning Commission. At that time, the Planning Commission may consider modifications to the conditions of approval.
5. 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.

ATTACHMENT NO. 1.5



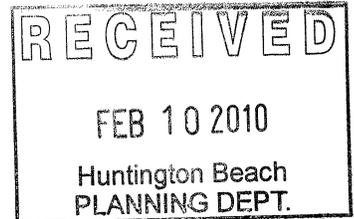
**CITY OF HUNTINGTON BEACH**  
**INTER-DEPARTMENT COMMUNICATION**

**TO:** Tess Nguyen  
Planning Department

**FROM:** Chuck Thomas   
Investigations Division Commander

**SUBJECT:** Metro Q (19092 Beach Blvd Suite J)

**DATE:** February 10, 2010



---

Since March 24, 2009, the Huntington Beach Police Department has documented seven incidents at Metro Q. The nature of the incidents does not demonstrate a detriment to the quality of life in the community.

Two incidents were initiated by the police department to check compliance of applicable Huntington Beach Municipal Codes and Alcoholic Beverage Control laws.

On April 18, 2009, an undercover minor decoy was able to purchase an alcoholic beverage from a bartender. The incident was documented under police report number 2009-0006260.

On July 5, 2009, patrol officers conducted a bar check and found Metro Q having live entertainment without a permit. The incident was documented under police report number 2009-010991. A civil citation was issued in the amount of \$250 (#1001237). As of February 10, 2010, Metro Q has not paid the fine. With penalty and interest the delinquent amount is \$318.18.

Since these two initial violations, Metro Q has not had any repeated violations.

Five additional incidents involving loud talkers in the area and an intoxicated person escorted from the bar were reported at Metro Q. The incidents were handled without criminal prosecution. There was no indication Metro Q had done anything inappropriate during these incidents. Below is a summary of these five incidents.

On April 18, 2009, a call for service was received in reference to loud talking in the parking lot. Officers responded and could not locate the loud talkers. The manager was advised of the nature of the call.

On June 27, 2009, a call for service was received by bar management regarding a subject threatening employees after being thrown out. Officers responded and talked to both parties and solved the problem.

On September 20, 2009, a call for service was received in reference to loud talking in the parking lot. Officers responded and could not locate the loud talkers. The manager was advised of the nature of the call.

ATTACHMENT NO. 21



## **CITY OF HUNTINGTON BEACH**

### **INTER-DEPARTMENT COMMUNICATION**

On September 28, 2009, a call for service was received in reference to loud talking in the parking lot. Officers responded and could not locate the loud talkers.

On November 11, 2009, a call for service was received involving an intoxicated person who was threatening others. Officers responded and arrested the person for public intoxication. The incident was documented under police report number 2009-019927.

There have been no additional reported violations to date.

Based on the types of calls, the police department recommends Metro Q be allowed to continue operating under current conditions.

ATTACHMENT NO. 2,2