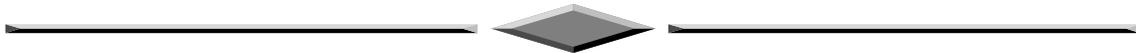


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: November 3, 2010

SUBJECT: CONDITIONAL USE PERMIT NO. 09-029 (METRO Q LIVE ENTERTAINMENT)

LOCATION: 19092 Beach Boulevard, Units J, K, L, & M, 92648 (southeast corner of Beach Boulevard and Garfield Avenue)



Applicant: Ida Vallez, Business Owner, 19092 Beach Boulevard, Suites J K L M Huntington Beach, CA 92648

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

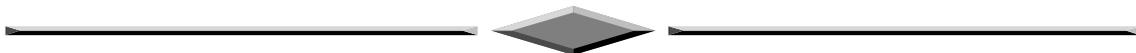
Request: To permit live entertainment within an existing 4,995 sq. ft. restaurant.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: SP 14 (Beach and Edinger Corridors Specific Plan – Neighborhood Parkway Segment)

General Plan: M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay)

Existing Use: Restaurant



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED 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 a minor alteration to a commercial suite within an existing shopping center.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 09-029:

1. Conditional Use Permit No. 09-029 for the establishment and operation of a live entertainment use within an existing 4,995 sq. ft. restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. Live entertainment will be conducted entirely indoors and will include a disc jockey, karaoke, and non-amplified music (piano, acoustic guitar, etc.). The main entrance of the existing restaurant is oriented toward Beach Boulevard, away from adjacent residential properties to the east. With incorporation of conditions of approval, the entertainment use will be conducted within the interior of the building to prevent the use from exceeding established noise thresholds as defined by the City Noise Ordinance (Chapter 8.40 Noise Control). Potential noise generated by the use will be mitigated through the installation of a sound attenuating wall skin along the easterly rear wall and limiting interior noise levels to a maximum of 98 dBA in order to protect adjacent noise sensitive land uses (e.g. residential). The live entertainment will be limited to evening business hours (9:00PM to 12:00AM Sunday through Thursday and 9:00PM to 1:00AM Friday through Saturday). The limited hours of the live entertainment use and building orientation will assist in mitigating any potentially significant impacts onto adjacent residential land uses. Therefore, the proposed use will not generate additional noise, traffic, parking or other impacts detrimental to the surrounding properties.
2. The conditional use permit will be compatible with surrounding uses because the restaurant with live entertainment is consistent with the character of the existing commercial shopping center. The live entertainment use will occur entirely within the restaurant, surrounded by commercial uses to the north, south, and west and residential uses to the east. The subject building is oriented toward Beach Boulevard with the front of the building facing the parking lot. The rear of the building faces the easterly property line which contains no doors, windows, or any other openings. The live entertainment use will be subject to noise regulations to ensure compatibility with surrounding businesses and residents. Potential noise impacts on residential uses to the east will be mitigated through the installation of a sound attenuating wall skin along the building's easterly interior wall and limitation of interior music to 98 dBA. The live entertainment use will be conditioned to operate between the hours of 9:00PM and 12:00AM Sunday through Thursday, and 9:00PM and 1:00AM Friday through Saturday.
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 (HBZSO). The HBZSO authorizes live entertainment uses in the CG (Commercial General) zone, subject to approval of a conditional use permit. The restaurant with live entertainment will be located within an existing commercial center which conforms to land use and applicable development standards in the district in which it is located, including setbacks, onsite parking, and building height.
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 General Commercial on the subject property. In addition, it is consistent with the following policy and objectives of the General Plan:

A. Land Use Element

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

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.

C. Noise Element

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

The requested Conditional Use Permit will accommodate existing restaurant with live entertainment. 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 compatible with surrounding commercial development. Measures will put in place to minimize the potential noise impacts to the adjacent residential properties.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 09-029:

1. The site plan and elevation received and dated September 21, 2009, and floor plan received and dated September 15, 2010, shall be the conceptually approved design.
2. Prior to commencement of live entertainment activities:
 - a. An additional sound wall skin shall be installed along the building's east interior wall. The exact design shall require consultation with an acoustical engineer.
 - b. A copy of an approved Entertainment Permit shall be submitted to the Planning and Building Department. The permit shall be approved by the Police Department and issued by the Business License Department. All conditions of the Entertainment Permit shall be observed.
3. The use shall comply with the following:
 - a. The restaurant with alcohol service shall only operate between the hours of 9:00 AM and 1:00 AM, seven days a week. **(PD)**

- b. Live entertainment shall only operate between 9:00 PM and 12:00 AM, seven days a week. **(PD)**
 - c. All live entertainment shall remain within the interior of the establishment at all times. All exterior doors and windows shall remain closed during business hours. Noise shall not exceed the thresholds as established by the City Noise Ordinance (Chapter 8.40 Noise Control) which shall be measured at a distance of 50 ft. from the business. **(PD)**
 - d. Music in the interior of the establishment shall be limited to 98 dBA maximum by using an electronic limiting device or alarm that provides an alert when the level exceeds 98 dBA.
 - e. Live entertainment shall be restricted to live bands, karaoke and disc jockeys, with a maximum of two performers. **(PD)**
 - f. No dancing, topless entertainment or fashion shows shall be allowed. **(PD)**
 - g. A maximum of four amusement machines or video games shall be allowed. **(PD)**
 - h. Food service from the regular menu shall be available from the time the business opens to the public until at least 30 minutes prior to the scheduled closing time. **(PD)**
 - i. All areas of alcoholic beverage sales, service, and consumption shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
 - j. Any time during live entertainment activities, two security guards shall be provided in the parking lot to maintain order and prevent any activities which would impact the adjacent residential properties. **(PD)**
 - k. A minimum of two security guards shall be present inside the establishment during live entertainment activities. **(PD)**
 - l. All security guards shall possess a California State Guard Card. **(PD)**
 - m. The use conditions listed herein shall be clearly posted on the premises at all times.
4. CUP No. 09-029 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
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/green-building-guidelines-rating/>).

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.