

AGENDA HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 25, 2006
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

AGENDA APPROVAL

- A. PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE
- B. STUDY SESSION ITEMS:
 - B-1. **PROJECT REVIEW PROCESS – Commissioner Ray**
- C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) - NONE
- D. PLANNING COMMISSION COMMITTEE REPORTS
- E. PUBLIC COMMENTS – Regarding Study Session portion of Meeting

Anyone wishing to speak on Project Review or Study Session items during PUBLIC COMMENTS may do so by filling out a Request To Speak form and giving it to the Secretary. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)
--

- F. PLANNING COMMISSION COMMENTS

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: *Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

AGENDA APPROVAL

A. ORAL COMMUNICATIONS

Anyone wishing to speak during ORAL COMMUNICATIONS must fill out and submit a form to speak. The Planning Commission can take no action on this date, unless the item is agendaized. Any one wishing to speak on items not on tonight's agenda, a closed public hearing item, or on non-public hearing items may do so during ORAL COMMUNICATIONS. Please note comments on closed public hearing items will not be part of the permanent entitlement record. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

B. PUBLIC HEARING ITEMS:

Anyone wishing to speak during an open PUBLIC HEARING must fill out and submit a form to speak. The public may address the Planning Commission only during the open PUBLIC HEARING items or during ORAL COMMUNICATIONS. Please review the agenda to determine whether the PUBLIC HEARING item is open or closed. If the PUBLIC HEARING on an item is closed, you will not be permitted to speak during that portion of the agenda and may wish to address your concerns during the ORAL COMMUNICATIONS portion of the agenda. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, WITH A MAXIMUM TIME DONATION OF 8 MINUTES, FOR A TOTAL OF 12 MINUTES PER SPEAKER)

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

- B-1. COASTAL DEVELOPMENT PERMIT NO. 05-13/ CONDITIONAL USE PERMIT NO. 05-10 (CONTINUED FROM JANUARY 24, 2006 - MAIN STREET LOFTS @ 438 Main St.): **Applicant:** Jeff Bergsma **Request:** CDP/CUP: To permit construction of three residential units (lofts) totaling 3,178 square feet as an addition to an existing two-story, 4,220 square foot retail/office building on a 5,650 sq. ft. lot. **Location:** 438 Main St. (east side of Main St./south of Pecan Ave.). **Project Planner:** Paul Da Veiga**

STAFF RECOMMENDATION: Motion to: "Approve Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10 with suggested findings and conditions of approval."

- B-2. SIX MONTH REVIEW OF CONDITIONAL USE PERMIT 03-35 (TARGET – TRUCK DELIVERY HOURS @ 9882 ADAMS): **Applicant:** City of Huntington Beach **Request:** A six month review of Conditional Use Permit 03-35 as required under Entitlement Plan Amendment 05-01, approved by the Planning Commission on September 27, 2005. The review is to provide an update of compliance with the approved conditions of approval regarding loading and delivery operations for the Target Department Store. **Location:** 9882 Adams Avenue (southwest corner of Brookhurst St. and Adams Ave.). **Project Planner:** Paul Da Veiga**

STAFF RECOMMENDATION: Motion to: "Receive and file as adequate the six-month review of Conditional Use Permit No. 03-35 with suggested amended conditions of approval."

- B-3. SIX MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING @ 10142 ADAMS) **Applicant:** City of Huntington Beach
Request: A six month review of Conditional Use Permit No. 05-08 approved by the Planning Commission on October 11, 2005. The review is to provide an update of compliance with the approved conditions of approval to permit dancing and a one-space parking reduction for Le Petit Paris, an existing dining/nightclub establishment. **Location:** 10142 Adams Avenue (southeast of the Adams Avenue/Brookhurst Street intersection). **Project Planner:** Ron Santos**

STAFF RECOMMENDATION: Motion to: "Direct staff to schedule a public hearing for revocation of Conditional Use Permit No. 05-08."

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED FEBRUARY 14, 2006

RECOMMENDED ACTION: Motion to: "Approve the February 14, 2006, Planning Commission Minutes as submitted."

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

- E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Burnett -

Commissioner Livengood -

Vice-Chairperson Scandura -

Chairperson Dingwall -

Commissioner Ray -

Commissioner Horgan –

Commissioner Dwyer -

ADJOURNMENT:

Adjourn to the next regularly scheduled meeting of May 23, 2006.

NOTE: The May 9, 2006, meeting has been tentatively cancelled due to a lack of complete applications.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission is final unless an appeal is filed to the City Clerk by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. 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 or Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. The appeal shall be submitted to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action.

Copies of staff reports and/or written materials on each agenda item are on file in the Planning Department, for inspection by the public. A copy of the agenda packet is also available at the Central Library (7111 Talbert Avenue).

**VIDEO TAPES OF MEETINGS AVAILABLE FOR PUBLIC
CHECK OUT AT THE CENTRAL LIBRARY, AND FOR DUPLICATION
SERVICES IN THE CITY CLERK'S OFFICE.**

HUNTINGTON BEACH PLANNING COMMISSION

Public Hearing Procedures

This statement has been prepared to provide a better understanding of the procedures for public hearings before the Planning Commission.

Regular meetings of the Planning Commission are held on the second and fourth Tuesdays of each month beginning at 5:15 p.m. in Room B-8 for a study session and then at 7:00 PM in the Council Chambers. Adjourned meetings, special meetings, and Study Sessions may be scheduled at other times.

Planning Commission proceedings are governed by the Planning Commission By-Laws, Robert's Rules of Order and the Brown Act. The following is the typical sequence of events on public hearing items:

- A. The Chairperson shall announce the item and if the public hearing is open or closed.
- B. The Planning Commission shall disclose any discussions, conversations, etc., with applicants, applicant's representatives or property owners.
- C. The staff report is presented.
- D. Questions by the Planning Commission concerning the staff report may be answered at this time.
- E. The public hearing is opened by the Chairperson.
- F. The applicant or appellant is given an opportunity to address the Commission. Time is not limited but left to the Chairperson's discretion.
- G. Staff will call all speakers by name. Please proceed to the podium. Individuals favoring and opposing the proposal are given an opportunity to address the Commission (up to four (4) minutes), or may choose to donate their time to another speaker if the "Request to Speak" form is filled out and given to the Secretary.* A speaker who addresses the Commission on behalf of individuals who donate time are allowed a maximum of 12 minutes. Please state your name before addressing the Commission.
- H. The Commission may ask questions of speakers addressing the Commission.
- I. The public hearing is closed.
- J. The Commission may discuss the matter at this time.
- K. The Commission then acts on the matter by continuing, approving, conditionally approving, or denying the petition.

The Planning Commission receives a staff report packet on the Thursday preceding the meeting, allowing time to review each case and make further investigations in the field prior to the scheduled meeting.

Staff reports are available in the Planning Department anytime on Friday preceding the Planning Commission meeting.



CITY OF HUNTINGTON BEACH
PLANNING COMMISSION COMMUNICATION

TO: Planning Commission
FROM: Steve Ray, Planning Commissioner
DATE: April 25, 2006
SUBJECT: **PROJECT REVIEW PROCESS (Cont. from 3/28/06)**

The Planning Commission Committee on the Project Review Process meeting with Commissioners Dingwall, Livengood and Ray and Staff members Hess, Fauland and Mulvihill in attendance was held on April 13, 2006. After careful review and discussion, the Committee unanimously recommends that the Planning Commission adopt the attached Project Review Process as submitted.

Primary provisions of the Project Review Process are:

1. For now, there will be no distinction between "major" or "regular" public hearing or non-public hearing items/project applications. All items will proceed through the same process. The attached Project Review Process has been revised to reflect the Committee's recommendations. Basically, there is little change in the basic process from the way it's done now.
2. There will be a Study Session and a Public Meeting for every item, with the structure of each meeting formalized as proposed in the Committee's recommendations. Again, there is little change from the way it's done now, except that it's more clearly stated.
3. The major change from the current process is that the Staff reports and meeting agenda packets will be distributed to the Commission seven (7) days in advance of each meeting. Staff is currently establishing the mechanisms for this, and it will begin as soon as they are ready. This seven day advance provision of information will also apply, of course, to the applicant and public, both over the counter and on the website, although the website may take longer to implement.
4. The Committee is also recommending continuation of the Allocation of Speaker's Time provision. There is no change to this provision.
5. All provisions need approval only by the Commission, except the Allocation of Speaker's Time, which will require approval by City Council.
6. The Committee will continue to review the possibility of further revision to the process in reference to "major" projects.

Respectfully submitted, Steve Ray
Committee Chair

ATTACHMENTS: Project Review Process dated April 25, 2006

SS B-1

PROJECT REVIEW PROCESS

(04/25/06)

1. OBJECTIVE:

To establish a formal review process for applicable items before the Planning Commission that will enhance the efficiency and effectiveness of the Commission, will provide more information for timely review by the Commission, applicant and public, and will improve the process for all parties and Staff.

2. APPLICABILITY:

The Project Review Process shall apply to all public hearing or non-public hearing items that come before the Planning Commission.

3. PROCESS:

A) For items subject to mandatory processing deadlines:

- 1) The item shall be placed for review on the Study Session agenda no later than the third Planning Commission meeting prior to the deadline.
- 2) The item shall be placed for action on the Public Meeting agenda no later than the second Commission meeting prior to the deadline with the public hearing, if applicable, **to be** opened.
- 3) An item **can only may** be continued to a meeting prior to the mandatory processing deadline, except as provided **under by** law.

B) For items not subject to mandatory processing deadlines:

- 1) The item shall be placed for review on the Study Session agenda of the next available Planning Commission meeting.
- 2) The item shall be placed for action on the Public Meeting agenda of a subsequent Commission meeting, with the public hearing (if applicable) opened.
- 3) The item may be continued to the next, or any subsequent, Commission meeting, as necessary.

C) At the Study Session:

~~1) The Staff Report shall be provided.~~

- 1) Staff presentation, **with available documentation**, to Commission, with Questions & Answers between staff and Commission. Staff presentation **to may** include **but not be limited to information available on:**
 - Review of Application Process
 - History of Site
 - Project Request **and Special Considerations (Variances, Special Permits, etc.)**
 - Time Line of Staff Review Process
 - Comments from City Departments and other Public Agencies
 - Consistency with General Plan, Local Coastal Plan, Specific Plan

Compliance with Zoning Regulations
Implementation of City Policies and/or Direction

Planning Issues

~~**Requests for Special Consideration: Variances, Special Permits,
etc.**~~

~~**Staff Recommendation (if available)**~~

2) Oral Communications for Applicant and Public.

D) At the Public Meeting:

1) Item will be placed on the Public Meeting Agenda as a properly noticed Public Hearing item or as a Non-Public Hearing item, as appropriate.

2) Format for a Public Hearing item shall be:

Chair Announces the Agenda Item

~~**Explanation of Item by the Chair or Staff**~~

Planning Commission Disclosures

Staff Presentation of Item **and Staff Report**

Commission Questions or Clarification of Staff Presentation

Chair Opens Public Hearing Opened

Applicant/**Appellant** Presentation, ~~as appropriate~~ -- May include applicant, consultant(s), contractor(s) for a reasonable amount of time to be determined by the Chair or Commission and in appropriate format or content desired by applicant

Commission Questions or Clarification of Applicant/**Appellant**, ~~as appropriate~~

Public Comments

Commission Questions or Clarification of Public Comments

Chair Closes Public Hearing Closed

Staff Responses to Applicant Presentation and Public Comments

Commission Questions and Discussion

Commission Deliberation and Action

Planning Commission Action may include:

- Approve/deny item/application with Staff suggested Findings and Conditions
- Approve/deny item/application with alternative Findings and Conditions
- Continue item/application to subsequent meeting and direct Staff accordingly

~~**Rights of Appeal Process, when applicable, Announced**~~ by Staff

3) Format for a Non-Public Hearing item shall be:

Chair Announces the Agenda Item

~~**Explanation of Item by the Chair or Staff**~~

Staff Presentation of Item

Commission Questions or Clarification of Staff Presentation

Commission Discussion

Commission Deliberation and Action

Planning Commission Action may include:

- Approve/deny item/application with Staff suggested Findings and Conditions
- Approve/deny item/application with alternative Findings and Conditions

- Continue item/application to subsequent meeting and direct Staff accordingly
- Rights of Appeal Process, when applicable, Announced by Staff, as appropriate***

D) Disclosure and Provision of Information:

- 1) All information available pertaining to the item shall be delivered to the Planning Commission seven (7) days in advance of the applicable Study Session or Public Meeting.
- 2) All the above information shall be made available to the applicant and the public seven (7) days in advance of said meetings.
- 3) All the above information shall be posted in/on the City of Huntington Beach internet website seven (7) days in advance of said meetings.

E) Allocation of Speaker's Time:

- 1) This provision of Allocation of Speaker's Time shall only be applicable to Public Hearing items.
- 2) Members of the public who wish to speak or make a presentation during the Public Comments section of the open Public Hearing on a Public Hearing item must complete and submit a Request to Speak Form prior to the close of the applicable Public Hearing Comments section. Speakers will be called in order of receipt of the request form.
- 3) Members of the public, to a maximum of two (2) each, may donate their time, to a maximum of eight (8) minutes, to a single speaker, giving said speaker a maximum of twelve (12) minutes for presentation. Donations of time must be made in advance at the time the single speaker's request form is submitted. Members of the public who donate their time to another may not themselves speak and must be present during the time the recipient of their donated time speaks.



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Paul Da Veiga, Associate Planner 
DATE: April 25, 2006

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 05-13/ CONDITIONAL USE PERMIT NO. 05-10/ SPECIAL PERMIT NO. 05-02 (CONTINUED FROM JANUARY 24, 2006 WITH PUBLIC HEARING OPEN - MAIN STREET LOFTS)**

APPLICANT: Jeff Bergsma, 221 Main Street, Ste. S, Huntington Beach, CA 92648

PROPERTY

OWNER: Gil Aousizerat, Inc., 17912 Gothard St., Huntington Beach, CA 92647

LOCATION: 438 Main St. (east side of Main St., south of Pecan Ave.)

STATEMENT OF ISSUE:

At the January 24, 2006 Planning Commission meeting, the project was continued to a date uncertain at the applicant's request with the public hearing open. The applicant requested a continuance in order to evaluate a potential re-design of the project and options for the provision of affordable housing. The staff report for the January 24, 2006 meeting is attached for your reference (Attachment No. 3).

RECOMMENDATION:

Motion to:

“Approve Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10/ Special Permit No. 05-02 with suggested findings and conditions of approval (Attachment No. 1)”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Approve Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10/ Special Permit No. 05-02 with findings and suggested modified conditions of approval” (**Applicant's Request**)
- B. “Deny Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10/ Special Permit No. 05-02 with findings for denial.”
- C. “Continue Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10/ Special Permit No. 05-02 and direct staff accordingly.”

B-1

PUBLIC NOTIFICATION:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on April 13, 2006 and notices were sent to tenants and property owners of record within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department’s Notification Matrix), applicant, and interested parties. As of April 18, 2006, no communication supporting or opposing the request has been received.

APPLICATION PROCESSING DATES:

DATE OF COMPLETE APPLICATION:

CDP/CUP: January 4, 2006

*90-day extension

MANDATORY PROCESSING DATE(S):

~~March 4, 2006~~ June 2, 2006*

ANALYSIS

The applicant has submitted a revised project description that includes a request for three condominium units in lieu of rental units with the overall design of the project remaining the same (Attachment No. 2). The applicant also requests the option of payment of an affordable housing in-lieu fee (currently under review by the City) in order to satisfy the affordability requirement for the project. In response to the revised project description, staff is recommending a new suggested condition of approval that requires the submittal of a tentative parcel map for a one-lot subdivision for condominium purposes. In addition, staff will be recommending an amendment to suggested condition of approval No. 3 regarding the requirement for affordable housing. The amendment will permit the applicant an option of payment of an affordable housing fee in-lieu of providing one for-sale affordable housing unit on-site.

The item was introduced at the April 11, 2006 Planning Commission Study Session. The Commission had questions regarding the proposed interior floor plan, the proposed option to pay an affordable housing in-lieu fee, residential parking, and the proposed common open space. Commissioner Livengood identified the need to designate the proposed parking spaces for residential use only. Staff is recommending a suggested condition of approval (Attachment No. 1.5/Condition No. 4) that would require signage to designate parking for residential use only. Staff supports the minor changes to the project description, the revised conditions of approval, and the overall project based on the analysis contained in the attached staff report (Attachment No. 3). A set of revised findings and suggested conditions of approval (new conditions are in bold) have been prepared for the Planning Commission’s consideration (Attachment No. 1).

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CDP No. 05-13/CUP No. 05-10/SP No. 05-02
2. Revised Narrative dated received April 4, 2006
3. Planning Commission Staff Report – CDP No. 05-13/CUP No. 05-10/SP No. 05-02 dated January 24, 2006
4. Revised Code Requirements Letter dated April 13, 2006 (for informational purposes only)

ATTACHMENT NO. 1
(REVISED)

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

**COASTAL DEVELOPMENT PERMIT NO. 05-13/ CONDITIONAL USE PERMIT NO.
05-10/
SPECIAL PERMIT NO. 05-02**

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 15332 of the CEQA Guidelines – *In-Fill Development Projects*, which states that development of an infill lot less than five (5) acres in size and consistent with the General Plan and zoning ordinance are exempt from further environmental review. The site can be adequately served by all required utilities and public services and will not have significant impacts to traffic, noise, air quality or water quality. In addition, the site does not have value as habitat for endangered or threatened species.

**SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT
NO. 05-13:**

1. Coastal Development Permit No. 05-13 for the development project as proposed, conforms with the General Plan, including the Local Coastal Program Land Use Designation of MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 max. FAR/ 25 units/acre – Specific Plan – Pedestrian Overlay) and the following Coastal Element policies:

Policy C 1.1.1: New development shall be encouraged within, contiguous or in close proximity to, existing developed areas able to accommodate it.

Policy C 1.1.5: Provide neighborhood commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

The proposed residential units are located contiguous to existing commercial development on the same property in a highly urban neighborhood consisting of mixed-use development. Development of residential units on the property will minimize the need for use of coastal access roads based on the proximity of the development to neighborhood serving commercial uses.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, with the exception of the special permit request. The project complies with applicable maximum floor area ratio and building height requirements, and the applicable parking requirements.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources. In addition, the project is subject to payment of required park fees; to be used for acquiring and maintaining public parkland for recreational use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-10:

1. Conditional Use Permit No. 05-10 to permit construction of three residential units (lofts) totaling 3,178 square feet as an addition to an existing two-story, 4,220 square foot retail/office building on a 5,650 sq. ft. lot pursuant to Section 4.7.01(b) – *Permitted Uses* of the Downtown Specific Plan, 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 project provides required on-site parking, and will not generate significant traffic volumes, noise, odors or other adverse impacts. In addition, the project achieves the objectives of the General Plan and Downtown Specific Plan by providing mixed-use development in accordance with the provisions of the DTSP–District 6 (Mixed-Use – Commercial/Office/Residential) standards and guidelines. The development that will help to support the residential and commercial land uses existing in the surrounding neighborhood.
2. The conditional use permit for the proposed mixed-use project building will be compatible with surrounding uses because the project is proposed in a Specific Plan area designated for mixed-use pedestrian-oriented development. The project consists of three residential units in conjunction with an existing two-story retail/office building. In addition, the proposed building height, massing, architecture, colors, materials and orientation are consistent with the City's Urban Design Guidelines for Downtown development and the character of the existing neighborhood.
3. The proposed two-story development will comply with the provisions of the Downtown Specific Plan – District 5 and applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-F11/25-sp-pd (Mixed Use – 2.0 maximum floor area ratio/ 25 units per acre – specific plan – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Objective LU 11.1.1: Provide for the development of structures that integrate housing with commercial uses, and ensure the compatibility of these uses.

Policy LU 11.1.1: Accommodate the development of structures and sites that integrate housing units with retail and office commercial uses in areas designated "mixed use" on the Land Use Plan Map.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of the visual and physical integration among the commercial and residential uses.

The project is consistent with the goals and objective in the General Plan which promotes integration of housing with retail and office uses. The proposal will introduce three new housing units to the property and area in general, which is encouraged under the mixed-use provisions identified in the General Plan. The project has also been designed to achieve compatibility with existing on-site and surrounding commercial, mixed-use, and residential structures.

The subject property is located within Community Sub area 1D (Main Street, North of Orange) and complies with the standards for the sub area including a maximum building height of three (3) stories. The project also complies with the Urban Design Guidelines by providing a consistent architectural theme with the existing commercial building.

Housing Element

Policy HE1.1.10: Conserve affordable housing opportunities in the Coastal Zone through implementation of low and moderate-income housing, and for inclusion of affordable units where feasible in new residential construction.

Staff is recommending a condition of approval that requires one affordable for-sale unit to be located on-site. One of the three units is required to remain affordable to persons at a moderate-income level for a period of 60 years, in compliance with the City's affordable housing ordinance and policies. The recommendation for the on-site for-sale unit requirement is based on the location of the project within the downtown and the scarcity of affordable housing stock within the coastal zone. As an option to meeting the affordability requirement, the condition permits payment of an affordable housing fee in lieu of providing one for-sale affordable housing unit on-site.

Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme.

The proposed project reinforces Downtown as a pedestrian-oriented district by providing a mixed-use development that incorporates new residential units in close proximity ("walking distance") to commercial areas as well as to existing residential land uses. The project also incorporates design characteristics consistent with the existing building on the property and surrounding development, such as similar scale and mass and use of quality design materials.

SUGGESTED FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 05-02:

1. The granting of Special Permit No. 05-02 (pursuant to Section 4.1.02 of the DTSP) in conjunction Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10 is requested for the following:
 - ❑ Permit a two-foot seven-inch front yard setback (build-to line) for the existing retail/office building in lieu of the required five feet pursuant to Section 4.1.02 – *Special Permit*, of the Downtown Specific Plan (DTSP)
 - ❑ Permit 500 square feet of common open space in lieu of the required 795 square feet pursuant to Section 4.1.02 – *Special Permit*, of the Downtown Specific Plan (DTSP)

This Special Permit will promote a better living environment by facilitating residential development in conjunction with commercial which will further the goals and objectives for mixed-use in District No. 6 of the DTSP. As conditioned, the development will provide larger private open space areas that create a better living environment for residents, while also providing a common open space rooftop deck for use by the residents.

2. The granting of Special Permit No. 05-02 will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design. The Special Permit will allow continued use of a recently upgraded commercial structure, while incorporating a residential component that is architecturally consistent with the existing building and surrounding neighborhood. The horizontal design and separation are consistent with the existing commercial building on the site and adjacent commercial building to the south. The design features include decorative tile, stucco, and a cornice to match the existing building. The design also features direct access to designated parking from the rear alley. In addition, the separation between the existing commercial and proposed residential units creates a buffer that will protect future residents of the complex from impacts related to commercial activities.
3. The granting of Special Permit No. 05-02 will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The building currently exists with a two-foot seven-inch front yard setback and will not impact views to coastal resources. The shift in common to private open space, as conditioned, will allow for larger private open space areas that will provide larger, more usable private decks for use by future residents. The decks are directed away from adjacent single-family residential properties. The project has been evaluated for compatibility with the surrounding neighborhood, which includes buildings of comparable and greater heights.
4. The granting of Special Permit No. 05-02 will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The Downtown Specific Plan provides for all projects to be in conformance with the adopted Design Guidelines for the area.
5. The granting of Special Permit No. 05-01 will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act, and complies with State and Federal Law. The project is consistent with the Coastal Element goals, objectives, and policies as noted under the Coastal Development Permit Findings. The proposed project would develop a mix of commercial and residential uses in an established, urban, downtown area. Public services are currently available to the project site. Views of the beach/ocean will not be obstructed by the proposed project.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-13/ CONDITIONAL USE PERMIT NO. 05-10/ SPECIAL PERMIT NO. 05-02:

1. The site plan, floor plans, and elevations received and dated November 2, 2005, shall be the conceptually approved design, with the following modifications:
 - a. The development shall provide 500 square feet of common open space within a rooftop deck. A minimum setback of twenty feet shall be maintained from the rear exterior face of the building to the rooftop deck area.
 - b. Each of the three private decks shall be enlarged by 68.5 square feet.
 - c. A minimum drive aisle width of 25 feet shall be provided within the parking garage.

City of Huntington Beach

APR 04 2006

Revised Project Narrative

Request: To permit the new construction of 3 Residential Lofts and Parking Garages as part of a Mixed-Use Building (Retail / Office / Residential) at 438 Main Street, Huntington Beach, CA.

Applicant: Jeff Bergsma

No. 11. A written narrative of the proposed use or project shall accompany this application. The narrative shall contain the following minimum information:

(a) Description of the project and services, including proposed use, square footage, hours and days of operation, number of employees, and other information as appropriate.

This is a request to allow the new construction of a two-story condominium residential units above parking on an existing Mixed-Use site:

Existing First Floor Retail of 2,100 s.f.
 Existing Second Floor Office of 2,120 s.f.
 New Parking Garages 780 s.f.
 New Lofts Units – (3) of @ 1,060 = 3,178 s.f.
 On-site Parking: 5 spaces – 3 enclosed and 2 open spaces

Hours of operation for the existing Retail / Office:

Hours of Operation: 7 am - 10 pm

(Hours will vary depending upon day of the week, time of the year and the weather.)

Days of Operation: Seven Days a Week

(b) Reasons for initiating this application.

Design Review and Planning Commission for Downtown projects.

Description of surrounding uses to the north, south east and west.

Describing Main Street as running north and south.

North – Adjacent to the subject property is Commercial Launder Mat

South – 2 story Retail & Offices

West – Commercial / Mixed -use

East – Single Family Residence

Description of population served by the proposed use or project.

Neighborhood serving.

(c) Hazardous Materials:

There are no known Hazardous Materials existing on-site and none are intended to be stored on-site.

(d) Affordable Housing

The applicant requesting the affordable housing requirement be met by the code allowable in-lieu fee. The fee to be set by City standard.

ATTACHMENT NO. 2.1



City of Huntington Beach Planning Department

STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Paul Da Veiga, Associate Planner
DATE: January 24, 2006

SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 05-13/ CONDITIONAL USE PERMIT NO. 05-10/ SPECIAL PERMIT NO.-05-02 (MAIN STREET LOFTS) --

APPLICANT: Jeff Bergsma, 221 Main Street, Ste. S, Huntington Beach, CA 92648

PROPERTY

OWNER: Gil Aousizerat, Inc., 17912 Gothard St., Huntington Beach, CA 92647

LOCATION: 438 Main St. (east side of Main St., south of Pecan Ave.)

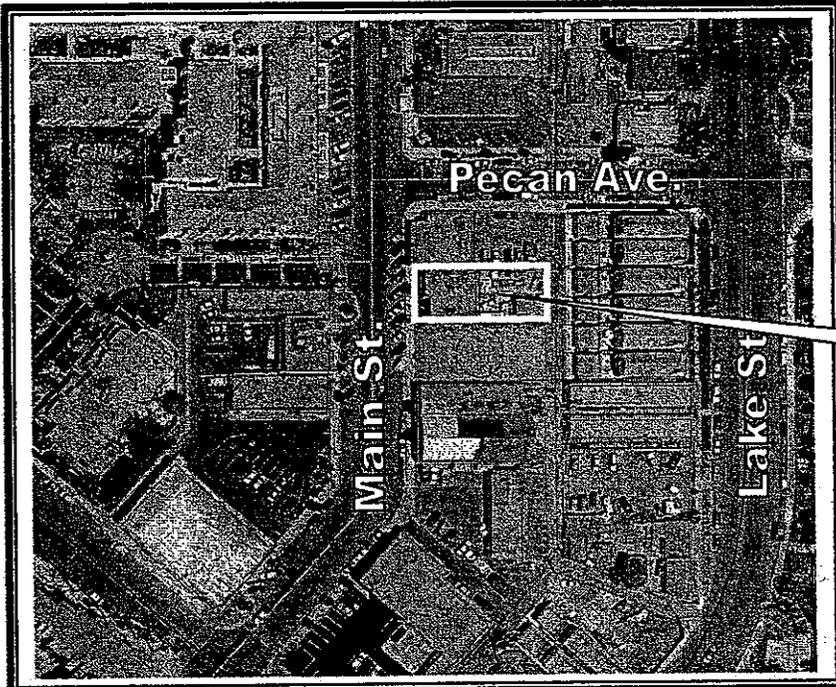
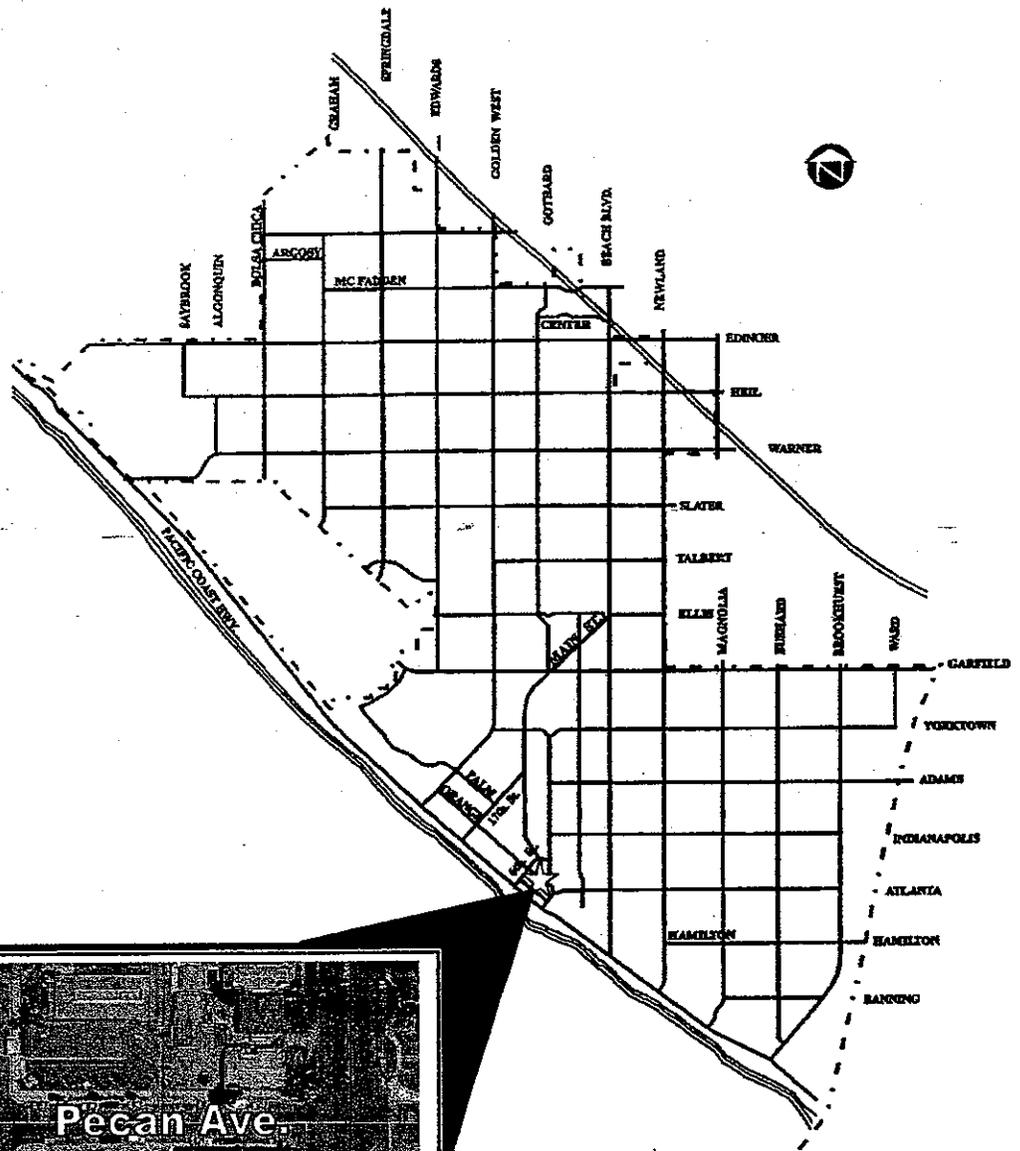
STATEMENT OF ISSUE:

- ◆ Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10 request:
 - Permit construction of three residential apartments (lofts) totaling 3,178 square feet as an addition to an existing two-story, 4,220 square foot retail/office building on a 5,650 sq. ft. lot within District 6 – Mixed-Use, of the Downtown Specific Plan
- ◆ Special Permit No. 05-02 request:
 - Permit a two-foot seven-inch front yard setback (build-to line) for the existing retail/office building in lieu of the required five feet
 - Permit zero common open space in lieu of the required 795 square feet
- ◆ Staff's Recommendation:

Approve Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10/ Special Permit No. 05-02 based upon the following:

 - The proposed addition of loft units within the existing commercial development is compatible with existing development in the Downtown District and is in compliance with the General Plan designation of Mixed Use-Specific Plan-Pedestrian Overlay.
 - The project will implement the Downtown Specific Plan and will add to the mixed-use character of the Downtown based on the proposed design.
 - The project will enhance the appearance of the area in compliance with the Urban Design Guidelines.
 - The development complies with all applicable development standards including parking, setbacks, and floor area ratio, with the exception of the requested Special Permit.
 - The Special Permit will provide significant aesthetic benefits and will have no detrimental impacts on surrounding properties.

ATTACHMENT NO. 3.1



SUBJECT SITE

VICINITY MAP
COASTAL DEVELOPMENT PERMIT NO. 05-13/
CONDITIONAL USE PERMIT NO. 05-10/
SPECIAL PERMIT NO. 05-02 (MAIN STREET LOFTS – 438 MAIN ST.)

Motion to:

“Approve Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10/ Special Permit No. 05-02 with suggested findings and conditions of approval (Attachment No. 1)”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10/ Special Permit No. 05-02 with findings for denial.”
- B. “Continue Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10/ Special Permit No. 05-02 and direct staff accordingly.”

PROJECT PROPOSAL:

Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10 represents a request for the following:

- A. To permit new development pursuant to Chapter 245 – *Coastal Development Permit*, of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
- B. To permit construction of three residential apartments (lofts) totaling 3,178 square feet as an addition to an existing two-story, 4,220 square foot retail/office building on a 5,650 sq. ft. lot, pursuant to Section 4.7.01(b) – *Permitted Uses* of the Downtown Specific Plan.

Special Permit No. 05-02 represents a request for the following:

- A. Permit a two-foot seven-inch front yard setback (build-to line) for the existing retail/office building in lieu of the required five feet pursuant to Section 4.1.02 – *Special Permit*, of the Downtown Specific Plan (DTSP)
- B. Permit zero common open space in lieu of the required 795 square feet pursuant to Section 4.1.02 – *Special Permit*, of the Downtown Specific Plan (DTSP)

The project site is a 50-foot wide by 117.5-foot flat lot fronting on Main Street and backs to an existing public alley. The site is currently developed with a 4,200 square foot retail/office building. The proposal is for the construction of three apartment (loft) units that will be located behind the existing retail/office building and will be constructed above a newly proposed five-space residential parking garage. Access to the parking garage will be provided from the alley to the rear of the property. The existing two-story retail/office building is located on the westerly portion of the property with the storefront along Main Street. The proposed units and parking garage will be located behind the existing building and will be attached via an uncovered walk way that provides access from the units to the second floor of the existing building. A four-foot, six-inch dedication for alley widening is proposed in order to achieve the required alley width.

The Special Permit request is to permit a two-foot seven-inch front yard setback for the existing retail/office building in lieu of the required five-foot build-to setback required in the Downtown Specific Plan. The existing retail/office building was built at a two-foot seven-inch front yard setback and would require substantial alteration in providing the required five-foot setback. An additional request is to seek relief from the requirement for common open space. The Downtown Specific Plan requires a minimum of 25 percent of the total floor area of each unit (795 sq. ft.) to be provided as common open space. The applicant is proposing no common open space but is proposing to provide a greater amount of open space in private patios (270 sq. ft.) to accommodate for no common open space. The applicant has agreed to a condition of approval that requires a common open space area within a rooftop deck.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	M-F11/25-sp-pd (Mixed Use – 2.0 maximum floor area ratio/ 25 units per acre – specific plan – pedestrian overlay)	SP5-6-CZ (Downtown Specific Plan – District 6, Mixed Use – Coastal Zone)	Retail/Office Building
North, South, and West of Subject Property:	M-F11/25-sp-pd (Mixed Use – 2.0 maximum floor area ratio/ 25 units per acre – specific plan – pedestrian overlay)	SP5-6-CZ (Downtown Specific Plan – District 6, Mixed Use – Coastal Zone)	Retail/Office Buildings
East of Subject Property (across Alley):	M-F11/25-sp-pd (Mixed Use – 2.0 maximum floor area ratio/ 25 units per acre – specific plan – pedestrian overlay)	SP5-6-CZ (Downtown Specific Plan – District 6, Mixed Use – Coastal Zone)	Single-Family Residential

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is M-F11/25-sp-pd (Mixed Use – 2.0 maximum floor area ratio/ 25 units per acre – specific plan – pedestrian overlay). The proposed project is consistent with this designation and the goals and objectives of the City’s General Plan as follows:

A. Land Use Element

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Objective LU 11.1.1: Provide for the development of structures that integrate housing with commercial uses, and ensure the compatibility of these uses.

Policy LU 11.1.1: Accommodate the development of structures and sites that integrate housing units with retail and office commercial uses in areas designated "mixed use" on the Land Use Plan Map.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of the visual and physical integration among the commercial and residential uses.

The project is consistent with the goals and objective in the General Plan which promotes integration of housing with retail and office uses. The proposal will introduce three new rental housing units to the property and area in general, which is encouraged under the mixed use provisions identified in the General Plan. The project has also been designed to achieve compatibility with existing on-site and surrounding commercial and residential structures.

The subject property is located within Community Subarea 1D (Main Street, North of Orange) and complies with the standards for the subarea including a maximum building height of three (3) stories. The project also complies with the Urban Design Guidelines by providing a consistent architectural theme with the existing commercial building. One of the three units is required to remain affordable to persons at a low-income level, in compliance with the City's affordable housing policies.

B. Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme

The proposed project reinforces Downtown as a pedestrian-oriented district by providing a mixed-use development that incorporates new residential space in close proximity ("walking distance") to commercial space as well as to existing residential land uses. The project also incorporates design characteristics consistent with the existing building on the property and surrounding development, such as similar scale and mass and use of quality design materials.

C. Coastal Element

Policy C 1.1.1: New development shall be encouraged within, contiguous or in close proximity to, existing developed areas able to accommodate it.

Policy C 1.1.5: Provide neighborhood commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

The proposed residential units are located contiguous to existing commercial development on the same property in a highly urban neighborhood consisting of mixed-use development. Development of residential units on the property will minimize the need for use of coastal access roads based on the proximity of the development to neighborhood serving commercial uses.

D. Housing Element

Policy HE 1.1.10: Conserve affordable housing opportunities in the Coastal Zone through implementation of low and moderate-income housing, and for inclusion of affordable units where feasible in new residential construction.

Staff is recommending a condition of approval that requires the one affordable unit to be located on-site. This recommendation is based on the location of the project within the downtown and the scarcity of affordable rental housing stock within the coastal zone.

Zoning Compliance:

This project is located in the SP5-6-CZ (Downtown Specific Plan – District 6, Mixed Use – Coastal Zone) and complies with the requirements of that zone, with the exception of the Special Permit request .

Urban Design Guidelines Conformance:

The proposed project is in substantial conformance with the Chapter 5 – *Downtown/ Main Street Commercial* of the Urban Design Guidelines, including the following:

- Exterior building materials should complement the materials used on adjacent buildings.
- Multi-paned windows are encouraged. Simple shape windows forms are preferred.
- Building entries should be protected from the elements and provide a "sense of shelter" by incorporating overhangs and simple recesses.
- Inclusion of balconies and rooftop outdoor areas in building design is encouraged.
- Provide a change in roofline, a tower or a break in the surface of the wall.

The proposed materials consist of colors and materials that are consistent with the existing building on the site and surrounding properties. The stucco color will be an earth tone cream color and the base of the building will provided with stone accent tile. Decorative trim is also proposed around window and door openings. Each unit will provide a private second floor balcony.

Environmental Status:

The proposed project is categorically exempt pursuant to Class 32, In-Fill Development Projects, Section 15332 of the California Environmental Quality Act which states that development of an infill lot less than five (5) acres in size and consistent with the General Plan and zoning ordinance are exempt from further environmental review. The site can be adequately served by all required utilities and public services and will not have significant effects to traffic, noise, air quality or water quality. In addition the site does not have value as habitat for endangered or threatened species.

Coastal Status:

The proposed project is within a non-appealable portion of the Coastal Zone. Coastal Development Permit No. 05-13 is being processed concurrently with Conditional Use Permit No. 05-10 pursuant to Chapter 245 of the HBZSO. The project complies with the Zoning Code and Coastal Zone requirements.

Redevelopment Status:

The project is located in the Huntington Beach Redevelopment Project, Main-Pier subarea. The Economic Development Department has reviewed the request and supports the proposed development.

Design Review Board:

The Design Review Board reviewed the design, colors, and materials for the proposed mixed-use building on January 12, 2006. The Board recommended approval of the building's design to the Planning Commission.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Fire and Public Works have reviewed the project plans and identified applicable Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code. Those requirements have been incorporated into a list transmitted to the applicant and provided (for informational purposes only) as Attachment No. 4.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on January 12, 2006, 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), applicant, and interested parties. As of January 19, 2006, no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:
Coastal Development Permit/ Conditional Use
Permit/ Special Permit: January 4, 2006

MANDATORY PROCESSING DATE(S):
March 4, 2006

ANALYSIS:

The primary issues to consider when analyzing this development are the project's compliance with the applicable land use regulations. The following is a discussion of the issues:

Compatibility

A key component of the Downtown Specific Plan (DTSP) is the provision for mixed-use development in designated districts. Accommodating a proper balance of compatible commercial and residential land uses is critical to achieving the active pedestrian-oriented atmosphere, which makes the Downtown successful. Developments in this area should emphasize neighborhood commercial activities and are encouraged to provide a residential component.

The proposed project achieves these objectives by providing three residential units in conjunction with existing retail/office uses to further the intent of the General Plan and Downtown Specific Plan. The proposed development and mix of uses within the building contributes to the urban atmosphere within the Downtown, helps to anchor the inland end of the Main/Pier corridor, and complies with the Urban Design Guidelines.

Compatibility between residential and commercial/office uses is a concern within a mixed-use project. The commercial use is not expected to generate significant land use related impacts on the proposed residential units. To ensure this, the DTSP requires separate access between the commercial and residential uses, which has been provided through a separate exterior stairway leading to the residential units on the second floor. The horizontal design and separation between the existing commercial use and proposed residential units creates a buffer that will protect future residents from impacts related to commercial activities.

Special Permit

District 6 of the Downtown Specific Plan requires that buildings with frontage on Main Street be built within five feet of the front property line. The purpose of the "build-to" five-foot setback requirement along Main Street is to bring the buildings closer to the street to promote pedestrian activity. Since the retail/office building is existing and has gone through recent exterior upgrades including new landscaping, stucco, and new architectural finishes, the applicant is requesting the special permit to maintain the building with its current two-foot seven-inch front yard setback.

Staff supports maintaining the existing setback as it remains consistent with the purpose of the "build-to" requirement which is to promote pedestrian activity by providing reduced front setbacks for buildings that front along Main Street. In addition, the setback is consistent with other development along Main Street.

The request also includes relief from the requirement for common open space. The request is based on the limited availability of land on the site, size of the development, and existing on-site improvements. In order to gain greater compliance with the common open space requirement, staff is recommending a condition of approval that requires a 500 square foot rooftop deck as a means of providing common open space for residents of the complex and a condition requiring larger private decks. The applicant has agreed to these conditions that read as follows:

- 1.a. The development shall provide 500 square feet of common open space within a rooftop deck. A minimum setback of twenty feet shall be maintained from the rear exterior face of the building to the rooftop deck area.
- 1.b. The size of each of the three private decks shall be enlarged to accommodate an additional 98 square feet above the code required 60 square feet per unit.

Condition No. 1.a. requires a 500 square foot common open space area within a rooftop deck. A minimum setback of twenty feet from the rear of the building is also required to minimize any potential noise impacts to single family residences located to the east of the site. A total common open space area of 795 square feet is required by Code. In order to accommodate the additional 295 square feet of common open space, Condition 1.b. requires enlarging each of the three private decks by 98 square feet. The enlarged private decks will accommodate the additional open space not provided within the rooftop deck. The larger private decks will create a more livable outdoor space based on the increased private open space dimensions. The Special Permit will therefore promote better living by allowing an adjustment in the balance of square footage between common open space and private open space. This adjustment permits the majority of open space to be provided within larger private open space decks, thereby creating usable private open spaces for individual tenants of the complex.

Parking

The Downtown Specific Plan (DTSP) requires all residential parking spaces to be on-site. The code requires a minimum of one enclosed space and a half guest parking space per unit. The proposed project complies with the requirements for on-site parking. The project will provide an enclosed parking garage on the first floor for the exclusive use of the residential units. A condition of approval requires a modification to provide a 25-foot wide drive aisle within the parking garage to provide the minimum required turning radius.

The commercial portion of the project complies with the Downtown Parking Master Plan (DPMP). The existing 4,200 square foot retail/office building was developed with no on-site parking. The DPMP assumed this development and the commercial parking is provided in the pool of shared parking within the plan.

Affordable Housing

The site is located within the Main-Pier Redevelopment Project Subarea of the City of Huntington Beach. And therefore, is required to provide a minimum of 15 percent of the total number of units (one unit) as affordable to low income households. The designated unit shall be affordable at a rent that is affordable to a lower-income household earning less than 80 percent of the percent of the Orange County Median Income as defined by State of California Department of Housing and Community Development.

Staff is recommending a condition of approval that requires the one affordable unit to be located on-site. This recommendation is based on the location of the project within the downtown and the scarcity of affordable rental housing stock within the coastal zone. The Housing Element of the General Plan contains policies to promote affordable housing opportunities in the Coastal Zone by requiring affordable units in new residential developments.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – Coastal Development Permit No. 05-13; Conditional Use Permit No. 05-10; Special Permit No. 05-02
2. Site Plan, Floor Plans and Elevations received and dated November 2, 2005
3. Narrative, received and dated April 14, 2005
4. Code Requirements Letter dated January 11, 2006 (for informational purposes only).

SH:HF:PD:rk

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

COASTAL DEVELOPMENT PERMIT NO. 05-13/ CONDITIONAL USE PERMIT NO. 05-10/ SPECIAL PERMIT NO. 05-02

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 15332 of the CEQA Guidelines – *In-Fill Development Projects*, which states that development of an infill lot less than five (5) acres in size and consistent with the General Plan and zoning ordinance are exempt from further environmental review. The site can be adequately served by all required utilities and public services and will not have significant impacts to traffic, noise, air quality or water quality. In addition, the site does not have value as habitat for endangered or threatened species.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-13:

1. Coastal Development Permit No. 05-13 for the development project as proposed, conforms with the General Plan, including the Local Coastal Program Land Use Designation of MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 max. FAR/ 25 units/acre – Specific Plan – Pedestrian Overlay) and the following Coastal Element policies:

Policy C 1.1.1: New development shall be encouraged within, contiguous or in close proximity to, existing developed areas able to accommodate it.

Policy C 1.1.5: Provide neighborhood commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

The proposed residential units are located contiguous to existing commercial development on the same property in a highly urban neighborhood consisting of mixed-use development. Development of residential units on the property will minimize the need for use of coastal access roads based on the proximity of the development to neighborhood serving commercial uses.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, with the exception of the special permit request. The project complies with applicable maximum floor area ratio and building height requirements, and the applicable parking requirements.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources. In addition, the project is subject to payment of required park fees; to be used for acquiring and maintaining public parkland for recreational use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-10:

1. Conditional Use Permit No. 05-10 to permit construction of three residential apartments (lofts) totaling 3,178 square feet as an addition to an existing two-story, 4,220 square foot retail/office building on a 5,650 sq. ft. lot pursuant to Section 4.7.01(b) – *Permitted Uses* of the Downtown Specific Plan, 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 project provides required on-site parking, and will not generate significant traffic volumes, noise, odors or other adverse impacts. In addition, the project achieves the objectives of the General Plan and Downtown Specific Plan by providing mixed-use development in accordance with the provisions of the DTSP–District 6 (Mixed-Use – Commercial/Office/Residential) standards and guidelines. The development that will help to support the residential and commercial land uses existing in the surrounding neighborhood.
2. The conditional use permit for the proposed mixed-use project building will be compatible with surrounding uses because the project is proposed in a Specific Plan area designated for mixed-use pedestrian-oriented development. The project consists of three residential units in conjunction with an existing two-story retail/office building. In addition, the proposed building height, massing, architecture, colors, materials and orientation are consistent with the City's Urban Design Guidelines for Downtown development and the character of the existing neighborhood.
3. The proposed two-story development will comply with the provisions of the Downtown Specific Plan – District 5 and applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-F11/25-sp-pd (Mixed Use – 2.0 maximum floor area ratio/ 25 units per acre – specific plan – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Objective LU 11.1.1: Provide for the development of structures that integrate housing with commercial uses, and ensure the compatibility of these uses.

Policy LU 11.1.1: Accommodate the development of structures and sites that integrate housing units with retail and office commercial uses in areas designated "mixed use" on the Land Use Plan Map.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of the visual and physical integration among the commercial and residential uses.

The project is consistent with the goals and objective in the General Plan which promotes integration of housing with retail and office uses. The proposal will introduce three new rental housing units to the property and area in general, which is encouraged under the mixed use provisions identified in the General Plan. The project has also been designed to achieve compatibility with existing on-site and surrounding commercial, mixed-use, and residential structures.

The subject property is located within Community Sub area 1D (Main Street, North of Orange) and complies with the standards for the sub area including a maximum building height of three (3) stories. The project also complies with the Urban Design Guidelines by providing a consistent architectural theme with the existing commercial building.

Housing Element

Policy HE1.1.10: Conserve affordable housing opportunities in the Coastal Zone through implementation of low and moderate-income housing, and for inclusion of affordable units where feasible in new residential construction.

Staff is recommending a condition of approval that requires one affordable rental unit to be located on-site. One of the three units is required to remain affordable to persons at a low-income level for a period of 60 years, in compliance with the City's affordable housing ordinance and policies. The recommendation for the on-site rental unit requirement is based on the location of the project within the downtown and the scarcity of affordable rental housing stock within the coastal zone.

Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme.

The proposed project reinforces Downtown as a pedestrian-oriented district by providing a mixed-use development that incorporates new residential units in close proximity ("walking distance") to commercial areas as well as to existing residential land uses. The project also incorporates design characteristics consistent with the existing building on the property and surrounding development, such as similar scale and mass and use of quality design materials.

SUGGESTED FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 05-02:

1. The granting of Special Permit No. 05-02 (pursuant to Section 4.1.02 of the DTSP) in conjunction Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10 is requested for the following:
 - ❑ Permit a two-foot seven-inch front yard setback (build-to line) for the existing retail/office building in lieu of the required five feet pursuant to Section 4.1.02 – *Special Permit*, of the Downtown Specific Plan (DTSP)
 - ❑ Permit 500 square feet of common open space in lieu of the required 795 square feet pursuant to Section 4.1.02 – *Special Permit*, of the Downtown Specific Plan (DTSP)

This Special Permit will promote a better living environment by facilitating residential development in conjunction with commercial which will further the goals and objectives for mixed-use in District No. 6 of the DTSP. As conditioned, the development will provide larger private open space areas that create a better living environment for residents, while also providing a common open space rooftop deck for use by the residents.

2. The granting of Special Permit No. 05-02 will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design. The Special Permit will allow continued use of a recently upgraded commercial structure, while incorporating a residential component that is architecturally consistent with the existing building and surrounding neighborhood. The horizontal design and separation are consistent with the existing commercial building on the site and adjacent commercial building to the south. The design features include decorative tile, stucco, and a cornice to match the existing building. The design also features direct access to designated parking from the rear alley. In addition, the separation between the existing commercial and proposed residential units creates a buffer that will protect future residents of the complex from impacts related to commercial activities.
3. The granting of Special Permit No. 05-02 will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The building currently exists with a two-foot seven-inch front yard setback and will not impact views to coastal resources. The shift in common to private open space, as conditioned, will allow for larger private open space areas that will provide larger, more usable private decks for use by future residents. The decks are directed away from adjacent single-family residential properties. The project has been evaluated for compatibility with the surrounding neighborhood, which includes buildings of comparable and greater heights.
4. The granting of Special Permit No. 05-02 will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The Downtown Specific Plan provides for all projects to be in conformance with the adopted Design Guidelines for the area.
5. The granting of Special Permit No. 05-01 will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act, and complies with State and Federal Law. The project is consistent with the Coastal Element goals, objectives, and policies as noted under the Coastal Development Permit Findings. The proposed project would develop a mix of commercial and residential uses in an established, urban, downtown area. Public services are currently available to the project site. Views of the beach/ocean will not be obstructed by the proposed project.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-13/ CONDITIONAL USE PERMIT NO. 05-10/ SPECIAL PERMIT NO. 05-02:

1. The site plan, floor plans, and elevations received and dated November 2, 2005, shall be the conceptually approved design, with the following modifications:
 - a. The development shall provide 500 square feet of common open space within a rooftop deck. A minimum setback of twenty feet shall be maintained from the rear exterior face of the building to the rooftop deck area.
 - b. Each of the three private decks shall be enlarged by 68.5 square feet.
 - c. A minimum drive aisle width of 25 feet shall be provided within the parking garage.

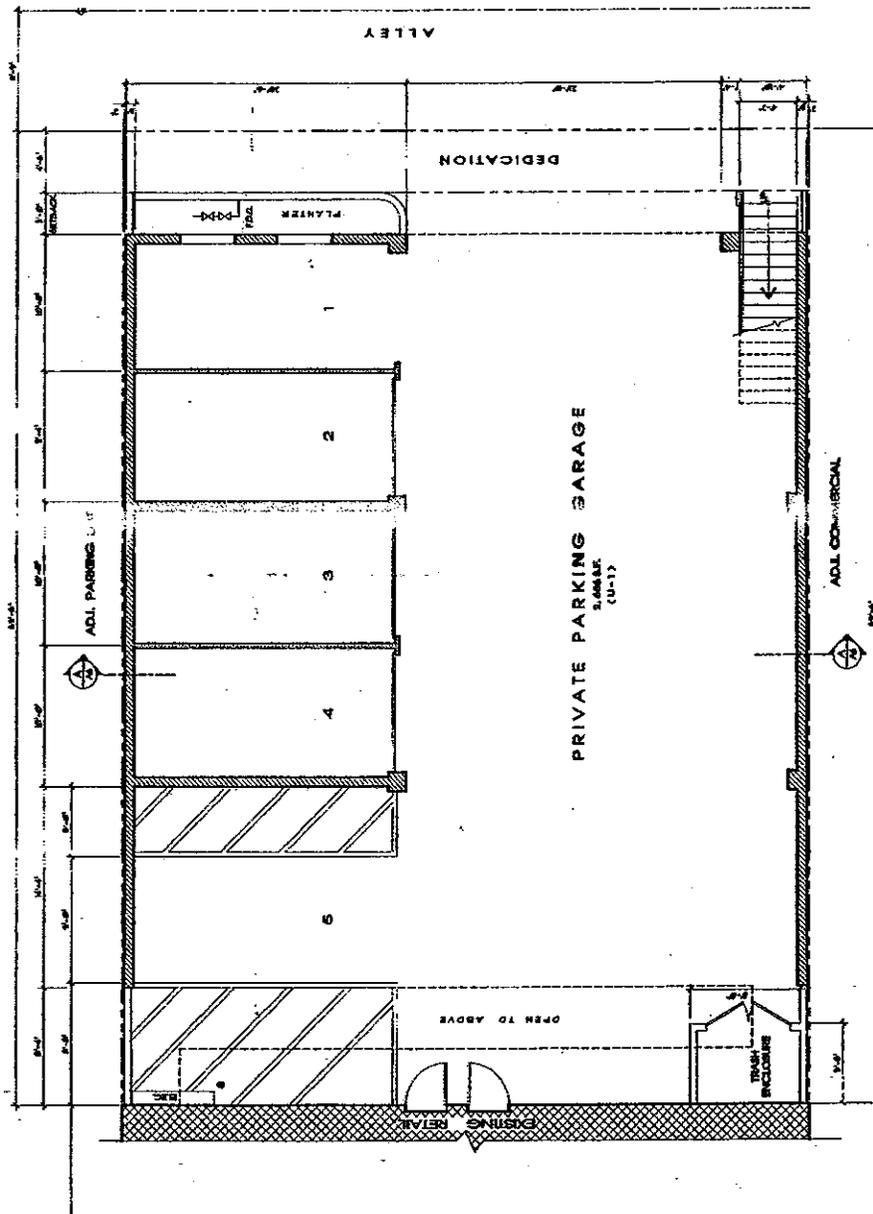
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of revised project plans, pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
3. Prior to issuance of building permits, the following shall be completed:
 - a. An Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the building permit. The Agreement shall comply with HBZSO Section 230.26 and include:
 - i. A detailed description of the type, size and location of the one affordable housing rental unit. The rental unit shall be located on-site.
 - ii. The one on-site unit shall be affordable to low-income households. The Orange County median income is adjusted for appropriate household size.
 - iii. Continuous affordability provisions for a period of 60 years.

The affordable rental unit shall be constructed concurrent with the primary project. Final approval (occupancy) of the first market rate residential rental unit(s) shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable unit.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

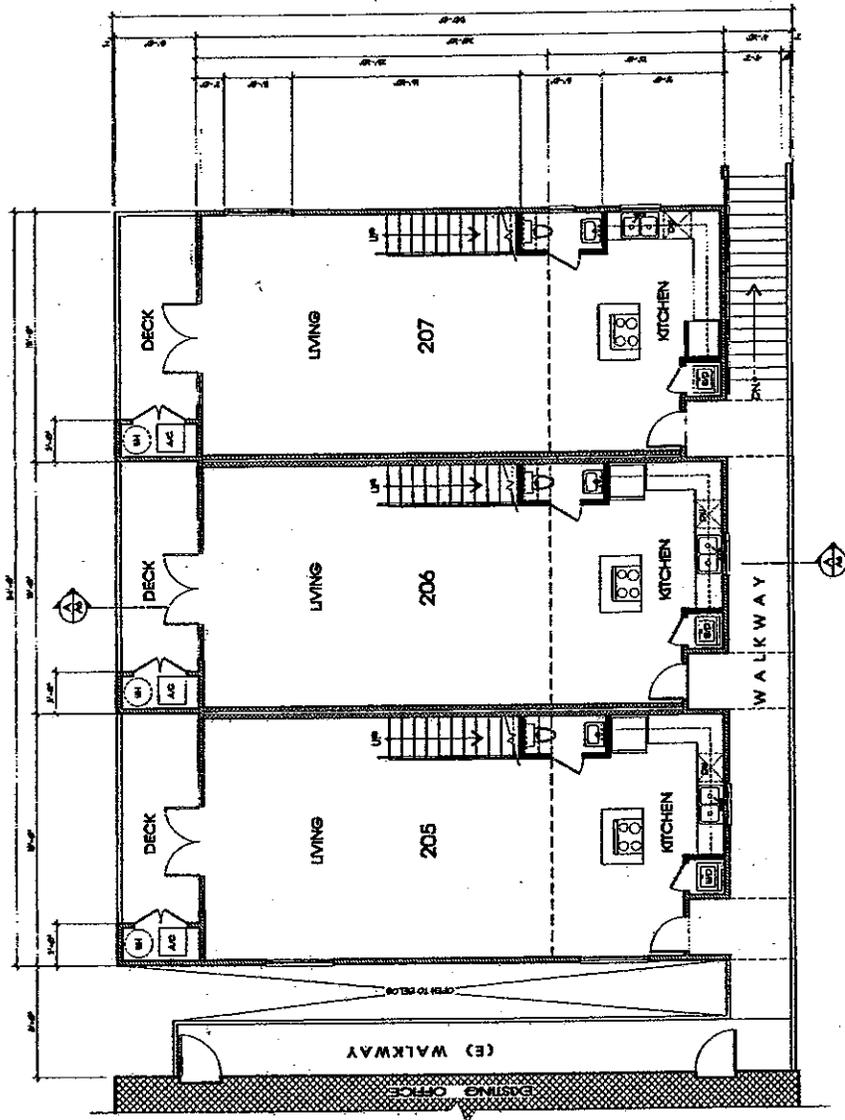
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, 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.

THE ARCHITECT 100 WEST 10TH AVENUE DENVER, CO 80202	MIXED-USE 100 WEST 10TH AVENUE DENVER, CO 80202	TEAM ARCHITECTS 100 WEST 10TH AVENUE DENVER, CO 80202	A1
---	---	---	-----------

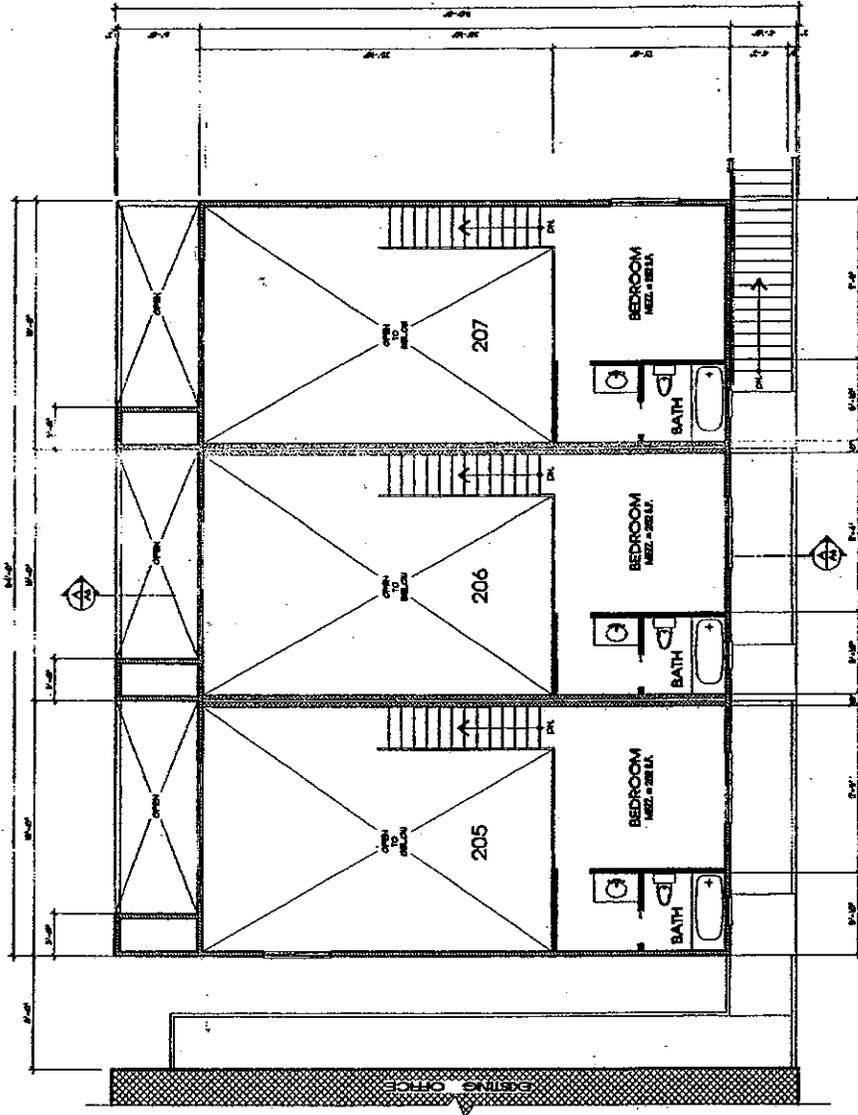


FIRST LEVEL FLOOR PLAN

ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.	MIXED-USE AS ALLOWED BY THE APPLICABLE ZONING ORDINANCES.	A2
TEAM OPERATIONS 1111111111 1111111111 1111111111	ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.	A2



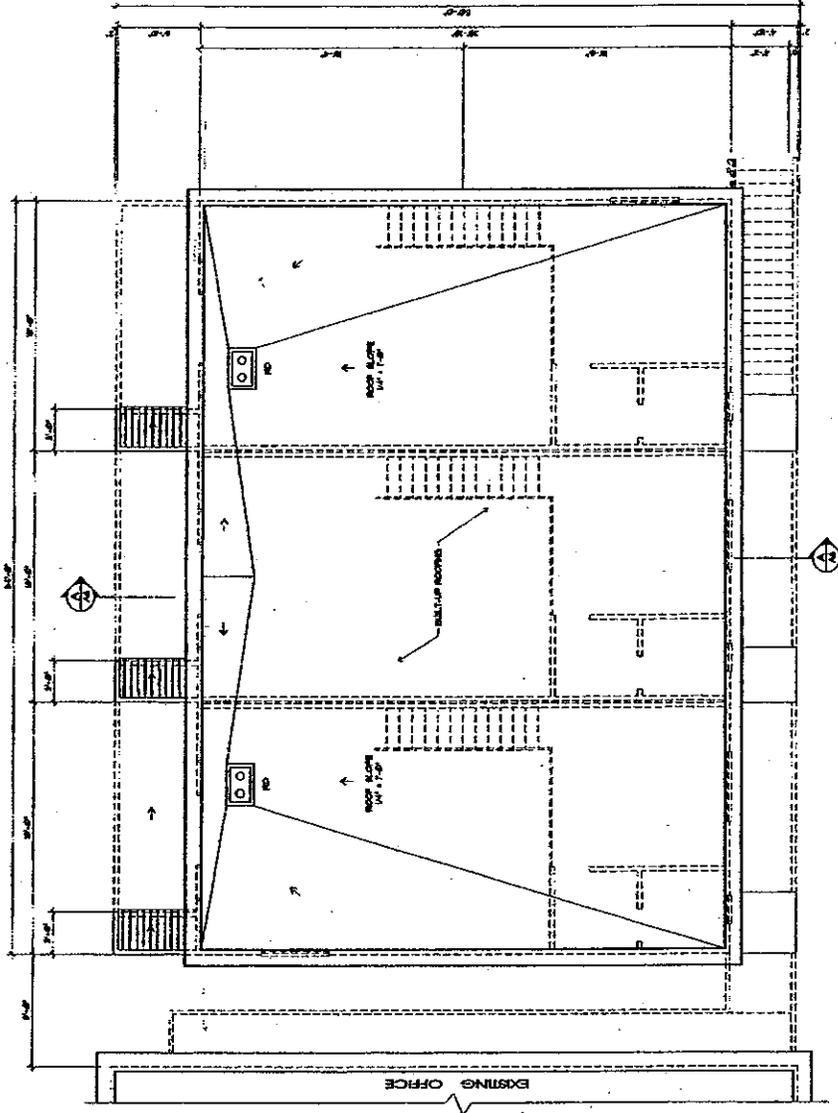
SECOND LEVEL FLOOR PLAN



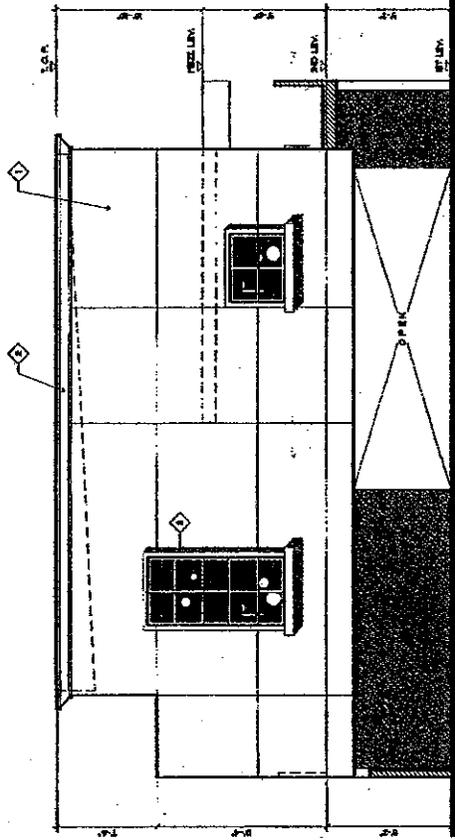
MEZZANINE LEVEL FLOOR PLAN

100% COMPLETE SET OF THE PROJECT	100% COMPLETE SET OF THE PROJECT	MIXED-USE AND MOUNTAIN VIEW PROJECT PHASE 2A	A3
TEAM ARCHITECTS 11111111111111111111 11111111111111111111 11111111111111111111			

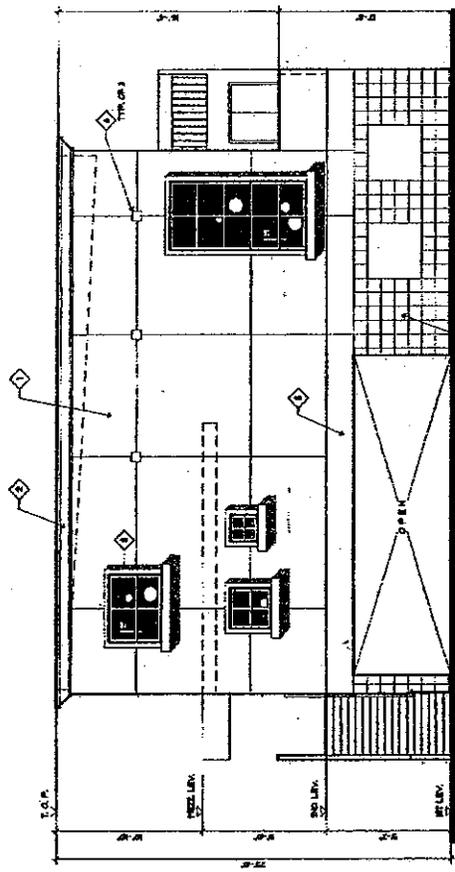
PROJECT: 10-11-10 DATE: 10-11-10 DRAWN BY: J. H. H.	MIXED-USE DEVELOPMENT (RESIDENTIAL, COMMERCIAL, OFFICE)	A4
TEAM ARCHITECTS 100 N. LAKE ST. SUITE 200 CHICAGO, IL 60601	100 N. LAKE ST. SUITE 200 CHICAGO, IL 60601	



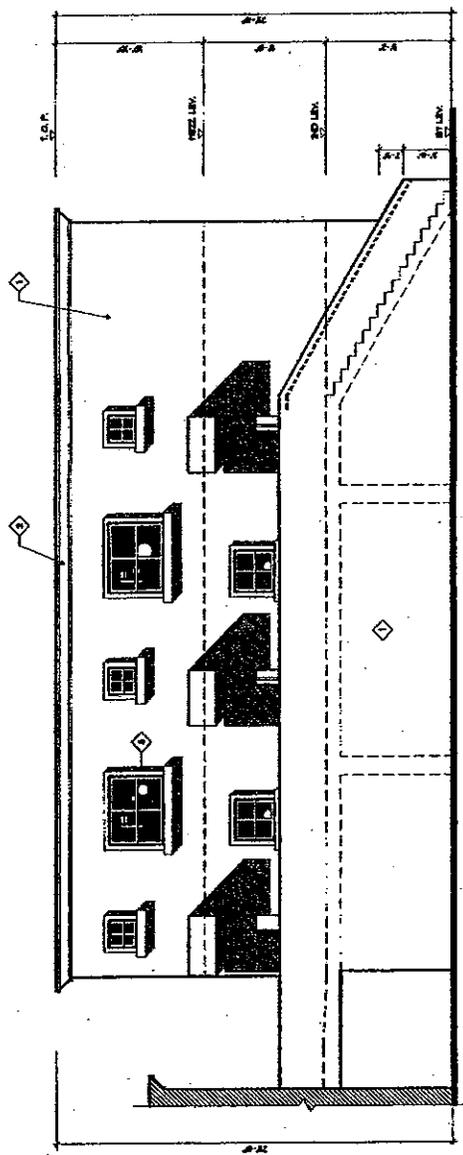
ROOF PLAN



WEST ELEVATION



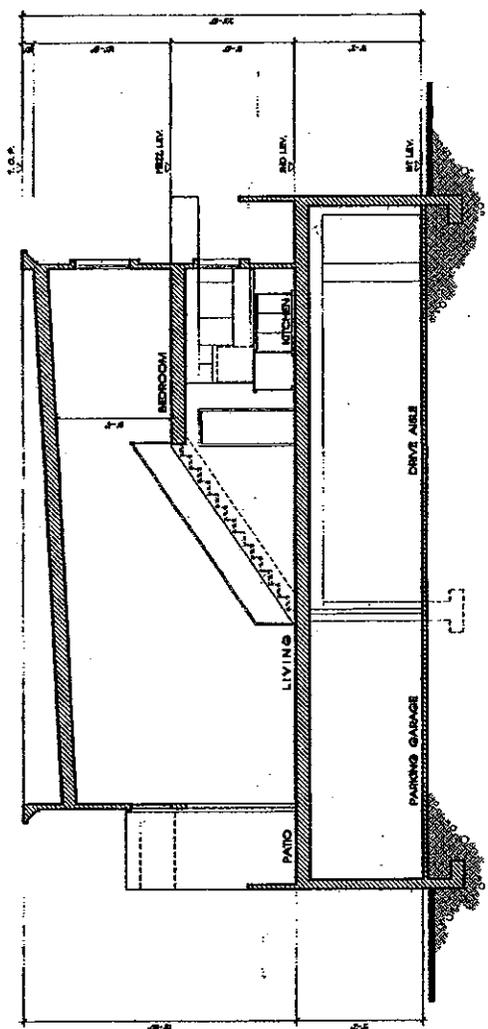
EAST ELEVATION



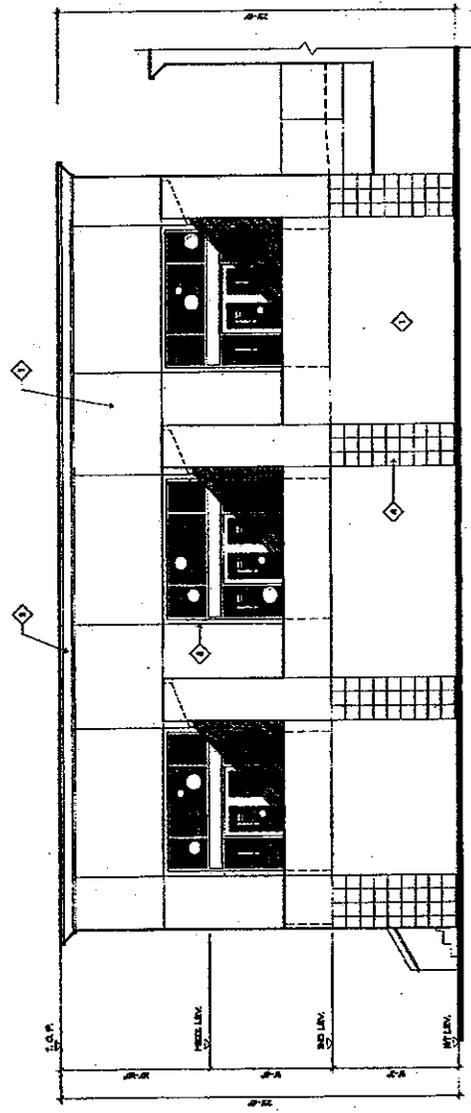
SOUTH ELEVATION

- KEYNOTES**
- ◇ BRICK IN TROOD COLEMAN
 - ◇ BRICK COLEMAN (ACCENT COLOR)
 - ◇ STONE TRIM
 - ◇ STONE TILE
 - ◇ STONE TILE TRIM
 - ◇ STONE TILE MESH/GR

NO.	REVISION	DATE	BY	APP'D.	SCALE
1					
MIXED-USE					
AN AFFORDABLE HOUSING DEVELOPMENT IN THE CITY OF LOS ANGELES, CALIFORNIA					
TEAM					
ARCHITECTS 1111 WEST 18TH STREET LOS ANGELES, CA 90061					
A 5					



BUILDING SECTION "A"



NORTH ELEVATION

PROJECT NO. 10-10-00 DATE 10-10-00 DRAWN BY J. J. J.	MIXED-USE RESIDENTIAL / COMMERCIAL / OFFICE	A6
TEAM ARCHITECTS 1000 10TH AVENUE SUITE 1000 DENVER, CO 80202	1000 10TH AVENUE SUITE 1000 DENVER, CO 80202	

Project Narrative

Request: To permit the new construction of 3 Residential Lofts and Parking Garages as part of a Mixed-Use Building (Retail / Office / Residential) at 438 Main Street, Huntington Beach, CA.

Applicant: Jeff Bergsma

No. 11. A written narrative of the proposed use or project shall accompany this application. The narrative shall contain the following minimum information:

(a) Description of the project and services, including proposed use, square footage, hours and days of operation, number of employees, and other information as appropriate.

This is a request to allow the new construction of a two-story residential units above parking on an existing Mixed-Use site:
Existing First Floor Retail of 2,100 s.f.
Existing Second Floor Office of 2,120 s.f.
New Parking Garages 780 s.f.
New Lofts Units – (3) of @ 1,060 = 3,178 s.f.
On-site Parking: 5 spaces – 3 enclosed and 2 open spaces

Hours of operation for the existing Retail / Office:

Hours of Operation: 7 am - 10 pm
(Hours will vary depending upon day of the week, time of the year and the weather.)

Days of Operation: Seven Days a Week

(b) Reasons for initiating this application.

Design Review and Planning Commission for Downtown projects.

Description of surrounding uses to the north, south east and west.

Describing Main Street as running north and south.
North – Adjacent to the subject property is Commercial Launder Mat
South – 2 story Retail & Offices
West – Commercial / Mixed -use
East – Single Family Residence

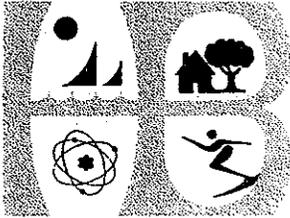
Description of population served by the proposed use or project.

Neighborhood serving.

(c) Hazardous Materials:

There are no known Hazardous Materials exiting on-site and none are intended to be stored on-site.

Affordable Housing component will be met off-site.



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540
374-1648

January 11, 2006

Jeff Bergsma
221 Main St., Ste. S
Huntington Beach, CA 92648

**SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 05-13/CONDITIONAL USE PERMIT
NO. 05-10/SPECIAL PERMIT NO. 05-02 (MAIN STREET LOFTS) -
DEVELOPMENT AND USE REQUIREMENTS**

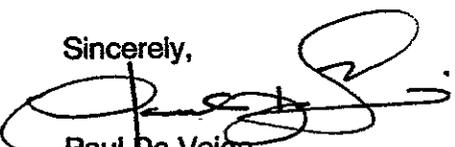
Dear Jeff:

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 preliminary list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project changes 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.

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 714-374-5394 and/or the respective source department (abbreviation in parenthesis at end of each condition - contact person below).

Sincerely,


Paul Da Veiga
Associate Planner

Enclosure

cc: Gerald Caraig, Building and Safety Department - 714-374-1575
Eric Engberg, Fire Department - 714-536-5564
Terri Elliott, Public Works - 714-536-5580
Herb Fauland, Principal Planner
Wayne Carvalho, Planning Department
Project File

**CITY POLICIES, STANDARD PLANS, AND CODE REQUIREMENTS OF THE
HUNTINGTON BEACH ZONING & SUBDIVISION ORDINANCE AND
MUNICIPAL CODE**

**COASTAL DEVELOPMENT PERMIT NO. 05-13/
CONDITIONAL USE PERMIT NO. 05-10/SPECIAL PERMIT NO. 05-02
(MAIN STREET LOFTS)**

CONDITIONAL USE PERMIT NO. 05-10:

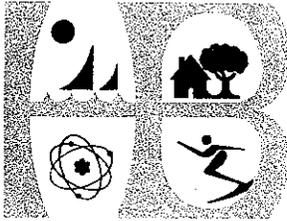
1. The site plan, floor plans and elevations as approved by the Planning Commission shall be the conceptually approved layout. Construction plans/working drawings submitted for plan check shall depict the following information:
 - a. Parking lot striping detail shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code.
 - b. Depict all utility apparatus, such as but not limited to back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public rights-of-way. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view.
 - c. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing screening must be submitted for review and approval with the application for building permit(s).
 - d. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally designed into the building to appear as part of the building. They shall be architecturally compatible with the building and non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
 - e. If outdoor lighting is included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations.

2. Prior to acceptance of grading plans for review, the following shall be completed:
 - a. Four and one half feet of right of way along the rear of the property shall be dedicated in fee to the City of Huntington Beach for public alley access and utility purposes. This dedication must set the property line 12 feet from the alley centerline, to provide for a 24-foot wide alley. (DTSP Policy Memo #99-63R) (PW)
3. Prior to issuance of a grading permit, the following shall be completed:
 - a. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. The following shall be shown on the plan: (PW)
 - i) A new sewer lateral shall be installed connecting to the main in the street. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 255.04D)
 - ii) Pavement for half-width of existing alley plus pavement for the 4.5-feet of alley dedication. (ZSO 255.04A)
 - iii) A new sewer lateral serving the retail/commercial portion of the property shall be constructed and connected to the main in the alley. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 255.04D)
 - iv) A new sewer lateral serving the new loft apartments shall be installed and connected to the sewer main in the alley. (ZSO 255.04D)
 - v) The existing domestic water service currently serving the existing development may potentially be utilized if it is of adequate size, conform to current standards, and is in working condition as determined by the Utilities Division. If the property owner elects to utilize the existing water service, all non-conforming water meters shall be upgraded to conform to the current Water Standards. The existing domestic water meter impacted by the proposed planter shall be removed and relocated per Water Standards. (ZSO 255.04E)
 - vi) Alternatively, a new separate domestic water service(s), meter(s) and backflow protection device(s) shall be installed per Utilities Division standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC). The new domestic water service shall be a minimum of 2-inches in size.
 - vii) Separate backflow protection devices shall be installed per Utilities Division standards for domestic and fire water services. (Resolution 5921 and Title 17)
 - viii) If fire sprinklers are required by the Fire Department for the proposed development, a separate dedicated fire service line shall be installed. (ZSO 255.04E)
 - ix) A ten-foot sight triangle shall be provided at the intersection of the driveway and the alley. The vehicular entrance/exit from the proposed parking does not provide for this sight triangle. (ZSO230.88)

4. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval and this letter describing Huntington Beach Zoning and Subdivision Ordinance Code and Municipal Code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
 - b. All Fire Department requirements shall be noted on the building plans. **(FD)**
5. Prior to issuance of building permits, the following shall be completed:
 - a. A Precise Grading Permit shall be issued. **(PW)**
 - b. Traffic impact fees shall be paid at a rate of \$140 per net added daily trip. The rate is subject to an annual adjustment. This project is forecast to generate 27 new daily trips for a total traffic impact fee of \$3,780. The rate is subject to an annual adjustment. (MC 17.65) **(PW)**
 - c. An automatic fire sprinkler system shall be installed throughout. For Fire Department approval, plans shall be submitted to the Building Department as separate plans for permits. **(FD)**
 - d. A fire alarm system in compliance with Huntington Beach Fire Code is required. For Fire Department approval, shop drawings shall be submitted to Building as separate plans for permits. The system shall provide water flow, tamper, and trouble alarms, manual pull stations, interior and exterior horns and strobes, voice communication, and 24-hour central station monitoring. **(FD)**
6. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for commencement of use and issuance of a Certificate of Occupancy until the following has been completed:
 - a. Complete all improvements as shown on the grading plan. (MC 17.05) **(PW)**
 - b. The existing dead tree in the parkway shall be replaced with a 36-inch box tree/palm.
 - c. Address numbers shall be installed to comply with City Specification #428-Premise Identification. Number sets may be required on front and rear of the structure. **(FD)**
 - d. Service roads and fire access lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415-Fire Lane Signs. Additionally, the site plan shall show all fire lanes. If prior to approved signage fire lane violations occur and the services of the Fire Department are required, the applicant may be liable for related expenses. **(FD)**
 - e. GIS mapping information shall be provided to the City GIS Department. Contact the GIS Department at (714) 374-1560 for specific requirements. **(FD)**

7. The Planning Director ensures that all code requirements herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator/Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator/Planning Commission may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
8. 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.
9. Conditional Use Permit No. 05-10 shall not become effective until the ten calendar day appeal period has elapsed.
10. Conditional Use Permit No. 05-10 shall become null and void unless exercised within one (1) year of the date of final approval. An extension of time may be granted by the Planning Director pursuant to a written request submitted to the Planning Department a minimum 60 days prior to the expiration date.
11. The Planning Commission reserves the right to revoke Conditional Use Permit No. 05-10, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
12. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
13. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
14. All applicable fees shall be paid from the Building, Public Works, and Fire Departments fees prior to map recordation. (PW)
15. The applicant shall submit a check in the amount of \$43 for the posting of the Notice of Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
16. All existing and new utilities shall be undergrounded. (MC 17.64) (PW)
17. The Fire Department review of this project and subsequent plans may require review by an outside consultant. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer, or other responsible party.

18. Park Land In-Lieu Fees shall be paid prior to approval of the final map by the City.
19. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Zoning Administrator/Planning Commission.
20. 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.
21. An Encroachment Permit is required from the City for all work within the City's right-of-way and a permit is required from Caltran's for all work within the state's right-of-way.
(PW)
22. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department prior to occupying the building.



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540

April 13, 2006

Jeff Bergsma
221 Main St., Ste. S
Huntington Beach, CA 92648

**SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 05-13/CONDITIONAL USE PERMIT
NO. 05-10/SPECIAL PERMIT NO. 05-02 (MAIN STREET LOFTS) -
DEVELOPMENT AND USE REQUIREMENTS**

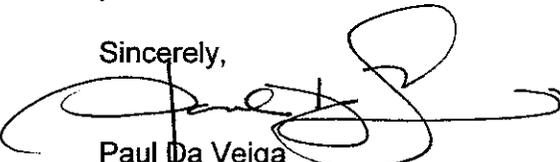
Dear Jeff:

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 preliminary list has been revised to reflect your most recent project narrative dated April 4, 2006, and is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project changes 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.

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 714-374-5394 and/or the respective source department (abbreviation in parenthesis at end of each condition – contact person below).

Sincerely,



Paul Da Veiga
Associate Planner

Enclosure

cc: Gerald Caraig, Building and Safety Department – 714-374-1575
Eric Engberg, Fire Department – 714-536-5564
Terri Elliott, Public Works – 714-536-5580
Herb Fauland, Principal Planner
Wayne Carvalho, Planning Department
Project File

(g:\forms\planning\Code Requirements Letter)

ATTACHMENT NO. 4.1

REVISED

**CITY POLICIES, STANDARD PLANS, AND CODE REQUIREMENTS OF THE
HUNTINGTON BEACH ZONING & SUBDIVISION ORDINANCE AND
MUNICIPAL CODE**

**COASTAL DEVELOPMENT PERMIT NO. 05-13/
CONDITIONAL USE PERMIT NO. 05-10/SPECIAL PERMIT NO. 05-02
(MAIN STREET LOFTS)**

CONDITIONAL USE PERMIT NO. 05-10:

1. The site plan, floor plans and elevations as approved by the Planning Commission shall be the conceptually approved layout. Construction plans/working drawings submitted for plan check shall depict the following information:
 - a. Parking lot striping detail shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code.
 - b. Depict all utility apparatus, such as but not limited to back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public rights-of-way. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view.
 - c. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing screening must be submitted for review and approval with the application for building permit(s).
 - d. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally designed into the building to appear as part of the building. They shall be architecturally compatible with the building and non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
 - e. If outdoor lighting is included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations.

2. **The following conditions shall be completed prior to recordation of the final map unless otherwise stated. (PW)**
 - a. **Park Land In-Lieu Fees shall be paid pursuant to the requirements of HBZSO Section 254.08 – *Parkland Dedications*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*).**
 - b. **At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Planning Department and approved by the City Attorney. The CC&Rs shall identify the common driveway access easements, and maintenance of all walls and common landscape areas for the entire property including both the commercial and residential structures, by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the map.**
 - c. **Final parcel map review fees shall be paid, pursuant to the fee schedule adopted by resolution of the City Council (*City of Huntington Beach Planning Department Fee Schedule*). (HBZSO Section 254.16) (Planning)**
3. **Prior to acceptance of grading plans for review, the following shall be completed:**
 - a. **Four and one half feet of right of way along the rear of the property shall be dedicated in fee to the City of Huntington Beach for public alley access and utility purposes. This dedication must set the property line 12 feet from the alley centerline, to provide for a 24-foot wide alley. (DTSP Policy Memo #99-63R) (PW)**
4. **Prior to issuance of a grading permit, the following shall be completed:**
 - a. **A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. The following shall be shown on the plan: (PW)**
 - i) **A new sewer lateral shall be installed connecting to the main in the street. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 255.04D)**
 - ii) **Pavement for half-width of existing alley plus pavement for the 4.5-feet of alley dedication. (ZSO 255.04A)**
 - iii) **A new sewer lateral serving the retail/commercial portion of the property shall be constructed and connected to the main in the alley. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 255.04D)**
 - iv) **A new sewer lateral serving the new loft apartments shall be installed and connected to the sewer main in the alley. (ZSO 255.04D)**
 - v) **The existing domestic water service currently serving the existing development may potentially be utilized if it is of adequate size, conform to current standards, and is in working condition as determined by the Utilities Division. If the**

property owner elects to utilize the existing water service, all non-conforming water meters shall be upgraded to conform to the current Water Standards. The existing domestic water meter impacted by the proposed planter shall be removed and relocated per Water Standards. (ZSO 255.04E)

- vi) Alternatively, a new separate domestic water service(s), meter(s) and backflow protection device(s) shall be installed per Utilities Division standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC). The new domestic water service shall be a minimum of 2-inches in size.
- vii) Separate backflow protection devices shall be installed per Utilities Division standards for domestic and fire water services. (Resolution 5921 and Title 17)
- viii) If fire sprinklers are required by the Fire Department for the proposed development, a separate dedicated fire service line shall be installed. (ZSO 255.04E)
- ix) A ten-foot sight triangle shall be provided at the intersection of the driveway and the alley. The vehicular entrance/exit from the proposed parking does not provide for this sight triangle. (ZSO230.88)

5. Prior to submittal for building permits, the following shall be completed:

- a. Zoning entitlement conditions of approval and this letter describing Huntington Beach Zoning and Subdivision Ordinance Code and Municipal Code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
- b. All Fire Department requirements shall be noted on the building plans. **(FD)**

6. Prior to issuance of building permits, the following shall be completed:

- a. A Precise Grading Permit shall be issued. **(PW)**
- b. Traffic impact fees shall be paid at a rate of \$140 per net added daily trip. The rate is subject to an annual adjustment. This project is forecast to generate 27 new daily trips for a total traffic impact fee of \$3,780. The rate is subject to an annual adjustment. (MC 17.65) **(PW)**
- c. An automatic fire sprinkler system shall be installed throughout. For Fire Department approval, plans shall be submitted to the Building Department as separate plans for permits. **(FD)**
- d. A fire alarm system in compliance with Huntington Beach Fire Code is required. For Fire Department approval, shop drawings shall be submitted to Building as separate plans for permits. The system shall provide water flow, tamper, and trouble alarms, manual pull stations, interior and exterior horns and strobes, voice communication, and 24-hour central station monitoring. **(FD)**

7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for commencement of use and issuance of a Certificate of Occupancy until the following has been completed:
 - a. Complete all improvements as shown on the grading plan. (MC 17.05) (PW)
 - b. The existing dead tree in the parkway shall be replaced with a 36-inch box tree/palm.
 - c. Address numbers shall be installed to comply with City Specification #428-Premise Identification. Number sets may be required on front and rear of the structure. (FD)
 - d. Service roads and fire access lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415-Fire Lane Signs. Additionally, the site plan shall show all fire lanes. If prior to approved signage fire lane violations occur and the services of the Fire Department are required, the applicant may be liable for related expenses. (FD)
 - e. GIS mapping information shall be provided to the City GIS Department. Contact the GIS Department at (714) 374-1560 for specific requirements. (FD)
8. The Planning Director ensures that all code requirements herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator/Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator/Planning Commission may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
9. 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.
10. Conditional Use Permit No. 05-10 shall not become effective until the ten calendar day appeal period has elapsed.
11. Conditional Use Permit No. 05-10 shall become null and void unless exercised within one (1) year of the date of final approval. An extension of time may be granted by the Planning Director pursuant to a written request submitted to the Planning Department a minimum 60 days prior to the expiration date.
12. The Planning Commission reserves the right to revoke Conditional Use Permit No. 05-10, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
13. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
14. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.

15. All applicable fees shall be paid from the Building, Public Works, and Fire Departments fees prior to map recordation. (PW)
16. The applicant shall submit a check in the amount of \$43 for the posting of the Notice of Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
17. All existing and new utilities shall be undergrounded. (MC 17.64) (PW)
18. The Fire Department review of this project and subsequent plans may require review by an outside consultant. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer, or other responsible party.
19. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Zoning Administrator/Planning Commission.
20. 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.
21. An Encroachment Permit is required from the City for all work within the City's right-of-way and a permit is required from Caltrans for all work within the state's right-of-way. (PW)
22. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department prior to occupying the building.



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Paul Da Veiga, Associate Planner 
DATE: April 25, 2006
SUBJECT: SIX-MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 03-35 (TARGET-LOADING AND DELIVERY OPERATIONS)
APPLICANT: John Warren, Pacific Land Services, 2151 Salvio St. Ste. 250, Concord, CA 94520
PROPERTY OWNER: Target Corporation, 1000 Nicollet Mall, Minneapolis, MN 55403
LOCATION: 9882 Adams Avenue (southwest corner of Brookhurst Street and Adams Avenue)

STATEMENT OF ISSUE:

This item represents a six-month review of Conditional Use Permit (CUP) No. 03-35, which permitted the demolition and rebuild of the new Target store. Subsequent to the CUP approval, the applicant submitted a request for an Entitlement Plan Amendment (EPA No. 05-01) to permit weekend truck deliveries to the site. The Planning Commission approved EPA No. 05-01 on September 27, 2005, and required a six-month review with a fully noticed public hearing.

RECOMMENDATION:

Motion to:

“Receive and file as adequate the six-month review of Conditional Use Permit No. 03-35 with amended conditions of approval.”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Receive and file as adequate the six-month review of Conditional Use Permit No. 03-35 and schedule another six-month review with a noticed public hearing.”
- B. “Continue the six-month review of Conditional Use Permit No. 03-35 and direct staff accordingly.”
- C. “Direct staff to schedule a revocation hearing of Conditional Use Permit No. 03-35.”

B-2

BACKGROUND:

Conditional Use Permit No. 03-35 to allow demolition and rebuild of the Target store was approved on April 14, 2004, by the Zoning Administrator. The applicant's original request included weekend truck deliveries between the hours of 8 a.m. and 8 p.m. seven days a week. The Zoning Administrator's approval included a condition to restrict delivery hours to allow Monday through Friday deliveries between the hours of 7 a.m. and 7 p.m. with no weekend deliveries. The Zoning Administrator's action was appealed on April 22, 2003.

The Planning Commission approved Conditional Use Permit No. 03-35 on May 25, 2004, with findings and modified conditions of approval, upholding the Zoning Administrator's approval of the project. The modified conditions of approval included limiting the hours of operation for the store from 7 a.m. to 12 midnight and limiting the hours in which the rear access gates are to remain open between the hours of 7 a.m. and 10 p.m.

The Planning Commission's decision was appealed to the City Council. The City Council held a public hearing on July 19, 2004 and approved Conditional Use Permit No. 03-35, as modified by the Planning Commission, with no modifications to delivery hours. Subsequent to the CUP approval, the applicant submitted a request for an Entitlement Plan Amendment (EPA No. 05-01) to permit weekend truck deliveries to the site between the hours of 12 p.m. to 6 p.m. on Saturday with no deliveries permitted on Sunday. The Planning Commission approved EPA No. 05-01 on September 27, 2005, and required a six-month review as a condition of approval.

PUBLIC NOTIFICATION:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on April 13, 2006 and notices were sent to tenants and property owners of record within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of April 18, 2006, no communication supporting or opposing the request has been received.

ANALYSIS:

The purpose of the review is to verify compliance with the conditions of approval and assess any potential impacts to adjacent properties resulting from loading and delivery operations. The review considered code enforcement complaints and included on-site inspections and monitoring by Planning and Code Enforcement staff. A number of complaints have been received relating to the truck deliveries occurring outside of approved delivery hours, excessive truck idling, and outside storage of delivery merchandise (See Attachment No. 5). Staff has been in constant communication with store management regarding these complaints. The most recent Code Enforcement action on the subject site was a citation issued on March 7, 2006 for outside storage of store merchandise. As a result of this citation, the property was brought into conformance with the conditions of approval.

The item was introduced at the April 11, 2006 Planning Commission Study Session. The Commission had several questions regarding complaints received by adjacent residents and resulting code enforcement actions taken. Staff provided the Commission with a breakdown of these incidents and discussion ensued

regarding truck idling and potential conditions of approval that would address the issue. In order to address neighbor concerns, staff is recommending a condition of approval (Attachment No. 1.4/Condition No.7) that would require signage to be placed adjacent to the loading dock prohibiting truck idling, identifying permitted hours for loading and deliveries, and providing a store contact phone number for reporting violations to store management. There is an existing sign with store contact information located at the main entrance of the building. This condition is intended to inform all truck drivers of the restrictions on truck idling and delivery hours to ensure compliance with the conditions of approval.

The Target store has been operational since October of 2005. Store management has identified some challenges in the initial establishment of the store around the holiday season based on the large amount of deliveries necessary to stock the new store. These challenges also included informing all new employees and drivers of the limitations regarding loading and deliveries in the conditions of approval. Although there have been violations noted by staff, store management has been responsive in addressing complaints made during their first six months of operation and continue to work with City staff on compliance with the conditions of approval. Based on the recommended condition of approval and compliance with the CUP requirements, staff recommends that the six-month review be received and filed as adequate with the amended conditions of approval.

ATTACHMENTS:

1. Revised Conditions of Approval – CUP No. 03-35
2. Planning Commission Staff Report – EPA No. 05-01 dated September 27, 2005
3. Planning Commission Minutes dated September 27, 2005
4. City Clerk Notice of Action dated July 29, 2004 – CUP No. 03-35
5. History of Neighbor Complaints and Code Enforcement Actions - September 27, 2005 to Present

SH:HF:PD:cs

ATTACHMENT NO. 1

REVISED

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 03-35

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 03-35:

1. The site plan, floor plans and elevations received and dated March 18, 2004 shall be the conceptually approved layout with the following modifications:
 - a. The loading dock enclosure shall be constructed with sound absorbing material designed to minimize noise impacts associated with loading and unloading activities. Truck loading and maneuvering shall be designed to provide the greatest separation possible from the adjacent residential properties. The architecture colors and materials of the enclosure shall be consistent with the overall building architecture.
 - b. The architecture colors and materials of the garden center shall be consistent with the overall building architecture.
 - c. The design, colors, and materials for the subject building shall be reviewed by the Design Review Board (DRB) following approval by the Planning Commission.
 - 1) Elevations shall be revised to incorporate multiple roof planes and/or a variety of roof slopes to reduce the overall mass and bulk of the building and comply with the Urban Design Guidelines.
 - 2) The overall architectural theme shall reflect a contemporary architectural design consistent with the design concept identified on elevation dated April 14, 2004. Several massing elements, in various volumes, shall be incorporated into the design. Varied use of earth tone colors and quality exterior materials such as stone veneer, split-face block, or other similar material shall be incorporated to accent prominent portions of the building façades.
 - 3) The design of the garden center shall incorporate an enhanced entry design which shall have the appearance of a secondary storefront. The design of the garden center shall include similar architectural design as the overall building.
 - 4) A public art element shall be integrated and be in a location that is visible to the public within the project site. Public art shall incorporate the following:
 - i) Artistic excellence and innovation
 - ii) Appropriate to the design of the project
 - iii) Indicative of the community's cultural identity (ecology, history, society)

The Design Review Board's recommended public art element shall be reviewed and approved by the Planning Director, prior to issuance of a building permit for the project. The public art shall be in place at the subject site prior to final building inspection.

- d. The cart corrals shall be constructed with a durable material such as concrete block. The design of the cart corrals shall be consistent with Sheet 6 of the conceptual plans dated March 18, 2004. The colors and materials used on the cart corrals shall be consistent with the subject building.
 - e. All non-conforming signs shall be eliminated from the subject site, including the one pylon sign along the Adams Avenue frontage and a second pylon sign along the Brookhurst Street frontage. A planned sign program for all signage on the subject property and outlying commercial pads shall be submitted to the Planning Department. Said program shall be approved prior to the first sign permit request.
 - f. Prior to submittal for building permits. The applicant shall submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval, and inclusion in the entitlement file to the Planning Department and submit 8.5 inch by 10 inch colored elevations, materials board, and renderings to the Planning Department for inclusion in the entitlement file.
 - g. All parking that is proposed behind the store, within the access gates, shall be designated as employee-only parking.
 - h. A minimum of two speed bumps shall be provided behind the building, subject to review and approval by the Fire Department.
 - i. All perimeter trees located directly adjacent to residential properties shall be of a species that is non-deciduous and results in minimal impacts in maintenance and upkeep to adjacent properties.
2. Prior to issuance of a grading permit, the following shall be completed:
- a. The site plan received and dated April 14, 2003 shall be the approved layout except for the following: **(PW)**
 - 1) The driveway on the south side of the property along Brookhurst Street shall be widened to a minimum of 36-feet in width, to allow for two egress lanes.
 - 2) A minimum 10-foot sight triangle must be provided at all points on the site, including the building corners. Areas of concern include the northwest corner (at the loading dock) and northeast corner of the building. The sidewalk must also be extended a minimum of four feet west of the building corner.
 - 3) A truck-tracking exhibit, utilizing a WB-50 design vehicle, must be provided to demonstrate that delivery trucks can be accommodated. This truck tracking exhibit must illustrate a truck entering the site, accessing the loading docks and egressing the site. It must be demonstrated that the truck movements will not encroach into opposite directions of roadway traffic nor impact the parking spaces shown.
 - 4) A traffic signal shall be constructed at the main driveway entrance on Adams Avenue. This traffic signal shall include the installation of interconnect conduit and cable to the traffic signal controller cabinet at the intersection of Brookhurst Street and Adams Avenue. A traffic signal and maintenance easement shall be provided in the driveway area. The appropriate curb ramp and signing & striping modifications shall be made to accommodate the traffic signal installation. **(PW/MM)**

- 5) The applicant shall provide the legal description(s), plat(s), and supporting documents necessary for the City to quitclaim any abandoned portions of the existing water line easement dedicated to the City of Huntington Beach. **(PW)**
3. Prior to issuance of building permits, the following shall be completed:
 - a. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
 - b. The public art element shall be approved by the reviewed by the Design Review Board and approved by the Planning Director.
 4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for commencement of use and issuance of a Certificate of Occupancy until compliance with all conditions of approval specified herein are accomplished and verified by the Planning Department.
 5. The use shall comply with the following:
 - a. Target product delivery and trash pickup shall be permitted between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 12:00 p.m. to 6:00 p.m. on Saturday. No deliveries shall occur on Sunday. Delivery hours for vendor trucks shall be permitted between the hours of 8:00 a.m. and 12 p.m. Monday through Friday. All delivery vehicles, including Target product delivery trucks and outside vendors trucks that cannot be accommodated with a typical 9 foot wide by 19 foot deep parking stall shall utilize the enclosed delivery bays for all loading and unloading activities. All other delivery vehicles that are no larger than a typical parking stall size may utilize the parking lot and access the store through the main entrance. Deliveries of any kind shall be prohibited behind the subject building, other than the designated loading and unloading bays.
 - b. Delivery trucks shall not leave engines idling while delivering merchandise to the Target store. Trucks shall turn-off engines once they reach the loading dock. **(MM)**
 - c. There shall be no loudspeakers or other amplified devices within the garden center, at any time. **(MM)**
 - d. Rubber noise seals shall be provided around the opening to the building at the location of the loading dock. **(MM)**
 - e. The trash compactor shall not be operated before 8:00 AM and after 7:00 PM. **(MM)**
 - f. All doors along the southerly and westerly facades of the building shall remain closed at all times. **(MM)**
 - g. The hours of operation for the Target store shall be from 7 a.m. to 12 a.m. The access gates to the rear of the building shall remain closed from 10:00 p.m. to 7:00 a.m.

- h. Parking lot lights shall be automatically dimmed to minimal security level lighting one hour after closing.
 - i. The Target Department Store shall be designated as a single user with a maximum of 10 percent of the gross building floor area devoted to an ancillary retail/restaurant tenant.
 - j. Any re-use of the site or request for future demising walls to allow for a new use within the subject building shall require approval of a conditional use permit by the Planning Commission.
 - k. All outdoor display of seasonal, holiday, special events, and temporary outdoor sales events within the parking lot, on sidewalks, or any other portion of the project site shall be subject to the Huntington Beach Zoning and Subdivision Ordinance Code. At no time shall a Temporary Use Permit be granted for the area between the subject building and the southerly or westerly property lines.
 - l. There shall be no outside storage of storage containers or bins, vehicles, vehicle parts, equipment, or trailers. There shall be no outside storage of palettes or other product at any time without the required permits.
 - m. There shall be no loitering by patrons or employees within the parking areas located at the rear of the subject building. Signs shall be posted to indicate that no loitering in all parking areas located behind the subject building. Store managers shall be responsible for regulating all activity occurring at the rear of the subject building at all times.
 - n. A store liaison shall be permanently established and available to assist neighbors and residents with issues regarding the site during construction and after completion of the project when the development is open for business. A sign identifying the store contact and telephone number shall be permanently posted on-site.
 - o. All Mitigation Measures of Mitigated Negative Declaration No. 03-02 shall be adhered to.
6. A review of the hours of deliveries and all loading and unloading activities shall be conducted by the Planning Commission within six months following the issuance of a certificate of occupancy. The review shall include a public hearing with notification to all property owners and tenants within a 500-foot radius of the subject site. The six-month review of the hours of delivery and loading and unloading activities will involve Planning, Code Enforcement, Police, and neighbor complaints in order to determine compliance with the conditions of approval, mitigation measures, and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance and Municipal Code pertaining to noise and truck deliveries. Any violations of the mitigation measures, conditions of approval, or applicable chapters of the HBZSO and HBMC may require a duly noticed revocation hearing of the Planning Commission.
- 7. Within 30 days of Planning Commission action on the six-month review, a sign(s) prohibiting truck idling, identifying the permitted hours for loading and delivery, and providing a store contact shall be placed in a conspicuous location adjacent to the loading dock. The sign shall be sized appropriately in order that it can be clearly viewed by truck drivers entering the loading dock area. The sign(s), the text, and location shall be submitted to the Planning Department for review and approval prior to installation.**

8. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action and the conditions herein. 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 Huntington Beach Zoning and Subdivision Ordinance.
7. 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.

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.



STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Paul Da Veiga, Associate Planner *[Signature]*
DATE: September 27, 2005

SUBJECT: ENTITLEMENT PLAN AMENDMENT NO. 05-01 (Appeal - Target Truck Deliveries)

APPLICANT: John Warren, Pacific Land Services, 2151 Salvio St. Ste. 250, Concord, CA 94520

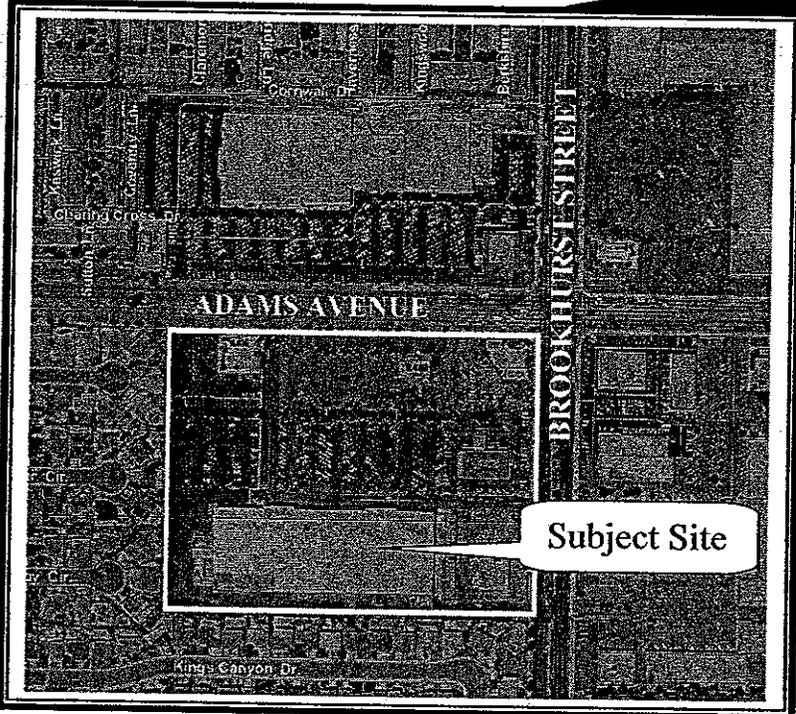
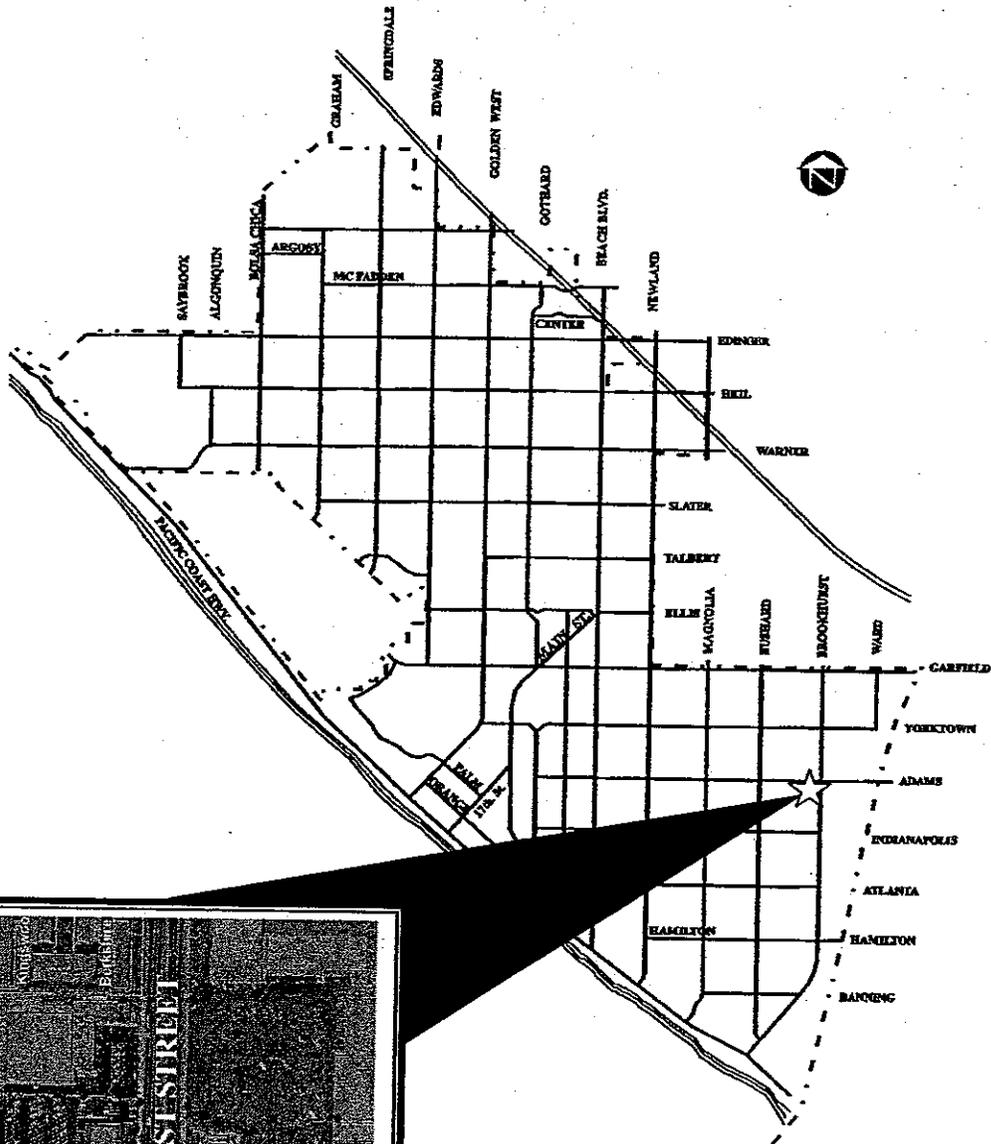
APPELLANT: Planning Commissioner Robert Dingwall

PROPERTY OWNER: Target Corporation, 1000 Nicollet Mall, Minneapolis, MN 55403

LOCATION: 9882 Adams Avenue (southwest corner of Brookhurst Street and Adams Avenue)

STATEMENT OF ISSUE:

- ◆ Entitlement Plan Amendment No. 05-01 request:
 - To amend Condition of Approval No. 5.a of Conditional Use Permit No. 03-35 by allowing truck deliveries between the hours of 8 a.m. and 7 p.m. on Saturday and Sunday.
- ◆ Staff's Recommendation:
Approve Entitlement Plan Amendment No. 05-01, based upon the following:
 - The request for weekend delivery hours of 7 a.m. to 8 p.m. is consistent with the existing commercial use of the site and can be integrated and be sensitive to the surrounding land uses based on adequate site layout, design amenities, and conditions of approval.
 - The approved Target store along with weekend delivery hours will not be detrimental to the general health, welfare and safety to persons working or living in the area, nor detrimental to the value of the property or improvements in the area.
 - The approved Target store along with weekend deliveries can mitigate the potential impacts to the surrounding area to the greatest extent possible.
 - The weekend delivery hours will increase the economic viability of the business thereby increasing the potential for taxable sales and providing additional funds to the City.
 - Weekend delivery hours for Target will be comparable to the three other approved "big box" stores located in the City.
 - A six-month review of the loading operation will ensure that the delivery operation will not be detrimental to the surrounding neighborhood.



VICINITY MAP
 Entitlement Plan Amendment No. 05-01
 9882 Adams Avenue
THE CITY OF HUNTINGTON BEACH

RECOMMENDATION:

Motion to:

- A. "Approve Entitlement Plan Amendment No. 05-01 with suggested findings and suggested conditions of approval (Attachment No. 1)." (**Applicant's Request**)

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Approve Entitlement Plan Amendment No. 05-01 with findings and suggested conditions of approval (Attachment No. 2)." (**Zoning Administrator Action**)
- B. "Deny Entitlement Plan Amendment No. 05-01 with findings for denial."
- C. "Continue Entitlement Plan Amendment No. 05-01 and direct staff accordingly."

PROJECT PROPOSAL:

Entitlement Plan Amendment No. 05-01 represents a request to amend Condition of Approval No. 5.a of Conditional Use Permit No. 03-35 by allowing truck deliveries between the hours of 8 a.m. and 7 p.m. on Saturday and Sunday.

Condition of Approval No. 5.a currently prohibits Saturday and Sunday deliveries and allows only weekday truck deliveries between the hours of 7 a.m. and 7 p.m. (Attachment No. 3). The applicant identifies the following reasons in their request for weekend deliveries:

- To ensure that the store maintains the required and advertised product on the sales floor to support customer demands and expectations.
- The restriction on weekend deliveries prevents the store from maintaining a sufficient level of product on Saturday through Monday.
- The restriction is a hardship and no other Target Department stores in the chain are prohibited from weekend deliveries.

Background:

Conditional Use Permit No. 03-35 to allow demolition and rebuild of the Target store was approved on April 14, 2004, by the Zoning Administrator. The applicant's original request included weekend truck deliveries between the hours of 8 a.m. and 8 p.m. seven days a week. The Zoning Administrator's approval included a condition to restrict delivery hours to allow Monday through Friday between the hours of 7 a.m. and 7 p.m. with no weekend deliveries. The condition of approval was based on potential noise from loading operations. The Zoning Administrator's action was appealed by Charles Ball, representing Business Properties Development Company on April 22, 2003. The appeal was filed on the basis that a traffic signal should be installed at the southerly-most driveway along the Brookhurst Street frontage.

The Planning Commission approved Conditional Use Permit No. 03-35 on May 25, 2004, with findings and modified conditions of approval (without the signal), upholding the Zoning Administrator's approval of the project. The modified conditions of approval included limiting the hours of operation for the store from 7 a.m. to 12 midnight and limiting the hours in which the rear access gates are to remain open between the hours of 7 a.m. and 10 p.m.

Mr. Charles Ball appealed the Planning Commission's decision to the City Council. The City Council held a public hearing on July 19, 2004 and approved Conditional Use Permit No. 03-35, as modified by the Planning Commission, with no modifications to delivery hours.

Zoning Administrator Action

The entitlement plan amendment to amend Condition of Approval No. 5.a was considered by the Zoning Administrator at a public hearing held on August 3, 2005. Testimony in support of the request was received from the applicant and property owner representative. Eleven residents from the adjacent residential neighborhood identified concerns regarding the potential noise impacts and opposed the proposed amendment to increase delivery hours. The owner of an adjacent commercial building to the north of the Target store commented on the difficulty experienced by patrons accessing his site during the on-going construction activity (Attachment No. 4).

Staff recommended approval of the applicant's request on the basis that the store needs to be economically viable and that design features had been incorporated into the loading areas of the building in order to mitigate potential noise impacts. These features include the location and design of the enclosed loading dock, which will be enclosed on three sides and treated with soundproofing material. Staff also identified conditions of approval prohibiting truck access to the rear of the building, restrictions on truck idling, and a condition requiring a six-month review as the basis for their recommendation. The Zoning Administrator approved the entitlement plan amendment with the following revision to Condition of Approval No. 5.a:

- Target truck deliveries are allowed between the hours of 10 a.m. and 6 p.m. on Saturday with no Sunday deliveries.
- Vendor truck deliveries are limited to between the hours of 8 a.m. and 12 noon, Monday through Friday.
- A six-month review of the operation will be conducted by Planning staff to verify compliance with the conditions of approval

Appeal

The Zoning Administrator's approval of the entitlement plan amendment was appealed by Planning Commissioner Robert Dingwall on August 15, 2005 (Attachment No. 5). The appeal was filed on the basis that the approval does not adequately satisfy the following policies identified in the General Plan:

Policy LU 10.1.5: Require that buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

ATTACHMENT NO. 2.4

Policy LU 10.1.5: Require that commercial projects abutting residential properties adequately protect the residential use from excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	CG-F1 (Commercial General-.35 Floor Area Ratio)	CG-F1 (Commercial General)	Target Dept. Store
North of Subject Property (across Adams Ave.)	CG-F1 (Commercial General-.35 Floor Area Ratio)	CG-F1 (Commercial General)	Mervyn's Shopping Center
South of Subject Property	RL-7 (Residential Low Density – 7 units per acre)	RL (Residential Low Density)	Single-Family Residential
East of Subject Property	CG-F1 (Commercial General-.35 Floor Area Ratio)	CG-F1 (Commercial General)	Stater Bros. Shopping Center
West of Subject Property	RL-7 (Residential Low Density – 7 units per acre)	RL (Residential Low Density)	Single-Family Residential

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is CG-F1 (Commercial General-0.35 FAR). The entitlement plan amendment is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Goal LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

Policy LU 10.1.5: Require that buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

Policy LU 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

The proposed weekend deliveries will ensure the overall economic viability of the development, and will support the needs and reflect market demand of City residents and visitors. In addition, the project will help the City to achieve its goal of enhancing the community image of Huntington Beach through the design and construction of a high-quality, state-of-the-art development; impacts to the surrounding area are mitigated to the greatest extent possible, while still allowing for the market-driven commercial development.

Zoning Compliance:

The proposed project complies with all applicable development standards of the CG (Commercial General) zoning designation.

Urban Design Guidelines Conformance:

The Target development was analyzed for conformance with the Urban Design Guidelines under Conditional Use Permit No. 03-35. The Urban Design Guidelines recommend specific design criteria for big box retail. The approved building complies with the Design Guidelines.

Environmental Status:

The project's potential environmental impacts were analyzed under Mitigated Negative Declaration No. 03-02. Mitigated Negative Declaration No. 03-02 was approved by the Zoning Administrator on March 31, 2004. No appeals were filed.

Coastal Status: Not Applicable

Redevelopment Status: Not Applicable

Design Review Board:

The project was submitted to the Design Review Board (DRB) on January 15, 2004. The Board expressed concerns regarding the architecture and compliance with the Urban Design Guidelines and recommended that the project be brought back before the Design Review Board following project approval.

On September 9, 2004, the Design Review Board reviewed the revised plans for the Target Store as approved by the City Council on July 19, 2004. The design colors and materials for the development were approved based on their overall compliance with the Urban Design Guidelines

Subdivision Committee: Not Applicable

Other Departments Concerns and Requirements: Not Applicable

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on September 15, 2005, 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), applicant, and interested parties. As of September 22, 2004, no additional items of communication have been received by staff.

Application Processing Dates:

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

Entitlement Plan Amendment: July 11, 2005 September 11, 2005

The project was heard by the Zoning Administrator on August 3, 2005, which complies with the State of California Planning, Zoning, and Development Laws relative to mandatory processing times.

ANALYSIS:

The approved entitlement (Conditional Use Permit No. 03-35) has a condition of approval that restricts all deliveries to the site, including trash pickup, between the hours of 7 a.m. and 7 p.m. Monday through Friday. The requested entitlement plan amendment would allow Target truck deliveries on Saturday and Sunday between the hours of 8 a.m. and 7 p.m. Staff has considered the design of the project, conditions of approval, delivery hours for other "big box" stores, and operational requirements for Target as the basis for recommending approval of the requested amendment. Staff has attached the original staff report with the environmental analysis for your information and reference (Attachment No.7).

Truck deliveries to the Target Department store will occur via an enclosed loading dock located along the northerly frontage of the building (Adams Ave.), approximately 60 feet from adjacent residential development to the west. The loading dock is enclosed on three sides, and will incorporate sound absorbing material into its design. Based on the design features such as separation between the site and adjacent properties, location of the loading dock, existing buffers, and recommended conditions of approval, residential properties are adequately protected from potential adverse noise impacts. To ensure that continued compliance occurs, staff recommends a six-month review of the delivery operations. The review will be conducted by Code Enforcement and the Police Department to determine compliance with the conditions of approval and mitigation measures pertaining to truck deliveries.

The applicant identifies several reasons for their request for weekend deliveries. The timing of product deliveries is crucial to ensure that the store maintains the required and advertised product on the sales floor to support customer demands and expectations. The restriction on weekend deliveries prevents the store from maintaining a sufficient level of product on Saturday through Monday, especially during sale events. In addition, the lack of weekend deliveries will place restrictions on Target that will affect the store's day-to-day operations and be the first Target Store to have such a restriction. The Target store anticipates that it can provide weekend deliveries, while mitigating potential impacts to the surrounding area to the greatest extent possible, thereby allowing for a market-driven and economically viable commercial project.

In the last ten-plus years, the City has approved three new "big box" retail stores. The approved delivery hours permitted for each of these stores are as follows:

- Home Depot (Goldenwest St. and Warner Ave.)
Monday - Saturday 7 a.m. to 10 p.m.
Sunday 8 a.m. to 8 p.m.

- Lowe's Home Improvement (Warner Ave., east of Beach Blvd.)
Monday - Saturday 7 a.m. to 8 p.m.
Sunday 8 a.m. to 4 p.m.

- Walmart (Talbert Ave., east of Beach Blvd.)
Seven Days a Week 7 a.m. to 10 p.m.

Staff also analyzed the three nearest Target stores and their respective delivery hours. The stores are located in Westminster, Costa Mesa, and Garden Grove. Each of these stores is located adjacent to residential properties. The approved delivery hours are as follows:

- Westminster Target (16400 Beach Blvd.)
Seven Days a Week 7 a.m. to 10 p.m.

- Costa Mesa Target (3030 Harbor Blvd.)
Monday - Saturday 7 a.m. to 6 p.m.
Sunday 9 a.m. to 4 p.m.

- Garden Grove Target (13831 Brookhurst St.)
No Restrictions on deliveries

Prior to approval of Conditional Use Permit No. 03-35 for the new Target store, there were no limitations on operations and delivery hours for Target. Staff recommends approval of the request for weekend deliveries based on the design features incorporated into the building and conditions of approval that mitigate potential noise impacts.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – EPA No. 05-01
2. Zoning Administrator Approved Findings and Conditions of Approval – EPA No. 05-01
3. City Council Approved Findings and Conditions of Approval – CUP No. 03-35
4. Zoning Administrator Minutes dated August 3, 2005
5. Project Narrative dated March 29, 2005
6. Appeal Memo dated August 15, 2005
7. Request for Council Action Staff Report dated July 19, 2004
8. Letters and Petition in Opposition

SH:HF:PD:rl

B. PUBLIC HEARING ITEMS

B-1. ZONING TEXT AMENDMENT NO. 05-01 (RELIGIOUS ASSEMBLY -

COMPLIANCE WITH RLUIPA): Applicant: City of Huntington Beach
Request: To amend Chapters 204.16, 210.04, 222.04, and 230.06 of the
Huntington Beach Zoning and Subdivision Ordinance in order to comply with the
Religious Land Use and Institutionalized Persons Act (RLUIPA). **Location:**
Citywide **Project Planner:** Jason Keenan

STAFF RECOMMENDATION: "Continue Zoning Text Amendment No. 05-01 to
the October 11, 2005 Planning Commission meeting with the public hearing
open."

Herb Fauland stated that a continuance is being requested to the October 11, 2005,
meeting in order to properly provide public notification of the item.

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER, TO CONTINUE
THE ITEM TO THE NEXT REGULAR MEETING OF OCTOBER 11, 2005, BY THE
FOLLOWING VOTE:**

AYES: Dwyer, Scandura, Dingwall, Ray, Livengood, Bennett, Horgan
NOES: None
ABSENT: None
STAIN: None

MOTION APPROVED

B-2. APPEAL OF ENTITLEMENT PLAN AMENDMENT NO. 05-01 (TARGET -

TRUCK DELIVERY HOURS): Applicant: Pacific Land Services (John Warren)
Appellant: Planning Commissioner Robert Dingwall **Request:** To amend
Condition of Approval No. 5a. of Conditional Use Permit No. 03-35 that prohibits
deliveries on weekends to the newly constructed Target Department Store. The
proposed amendment is to allow truck deliveries between the hours of 8 a.m.
and 7 p.m. on Saturday and Sunday. **Location:** 9882 Adams Avenue
(southwest corner of Brookhurst St. and Adams Ave.) **Project Planner:** Paul
Da Veiga

STAFF RECOMMENDATION: Motion to "Approve Entitlement Plan
Amendment No. 05-01 with suggested findings and conditions of approval."

Paul Da Veiga, Associate Planner, presented an overview of the staff report for the
subject entitlement plan amendment. Mr. Da Veiga stated that the Zoning Administrator
approved the item on August 3, 2005 with limited weekend delivery hours.

Herb Fauland, Principle Planner, reported that a late communication was received on
September 23, 2005 from Robert and Camille Copeland opposing the Commissioner's
appeal of the proposed project.

The Commission made the following disclosures:

- Commissioner Dwyer spoke with the applicant on the telephone and visited the subject site.
- Commissioner Scandura visited the subject site, drove through the neighboring tract, and spoke with staff and the applicant.
- Commissioner Dingwall was present last year when the Planning Commission voted on the Target demolition and rebuild appeal, walked the subject site and similar businesses to make comparisons, had no contact with the principles or the applicant.
- Commissioner Livengood was also present last year when the Planning Commission voted on the Target demolition and rebuild appeal, spoke with the applicant on the telephone, visited the subject site on several occasions, and visited the Wal-Mart and Lowes stores to make comparison.
- Commissioner Burnett spoke with the applicant on the telephone, visited the job site, witnessed trucks at the loading dock, and visited other similar sites.
- Commissioner Horgan visited the site as well as Wal-Mart, Lowes and Home Depot, engaged in no conversations.
- Chair Ray visited the subject site, drove through the neighboring tract, visited similar sites, was unsuccessful in attempts to return a telephone call from the applicant, and was also present last year when the Planning Commission voted on the Target demolition and rebuild appeal.

THE PUBLIC HEARING WAS OPENED:

Cheryl Keegan, neighboring property owner, voiced complaints related to noise, and urged the Commission not to grant additional delivery days.

Merrilee Madrigal, neighboring property owner, urged the Commissioners to uphold the original appeal decision.

Doug Brown, neighboring property owner, voiced opposition to the subject project.

Robert Kerr, neighboring property owner, voiced opposition to additional delivery hours.

Robert Copeland, neighboring property owner, voiced opposition to the Target loading dock located near residential uses.

Philip Larschan, neighboring property owner, voiced opposition to additional delivery hours because of noise from trucks backing up and additional traffic.

Tim Geddes, neighboring property owner, voiced opposition to the location of the loading docks stating that their quality of life is at issue.

Francis Arciaga, neighboring property owner, voiced opposition to the action taken by the Zoning Administrator. Mr. Arciaga presented a letter from Tom Rybolt and a note from David Bowman opposing additional delivery hours.

Susan Kelley, neighboring property owner, stated that she did not receive notification of the subject appeal because her property is outside the notification radius by five houses.

Ms. Kelley voiced opposition to additional delivery hours. She questioned the size of the trees planted along Adams Avenue as opposed to the smaller trees near residential homes, which are barely visible.

Franklin Cheng, neighboring property owner, voiced opposition to additional delivery hours and stated that his deck has a direct view into the loading dock.

Girard Manke, neighboring property owner, voiced opposition to additional delivery hours, stated that staff's direction is in error, stated that property values will be impacted as well as overall peace and tranquility in the enjoyment of their home.

John Warren, applicant, explained the difference between Target product truck delivery and vendor truck delivery and explained the importance of deliveries on a daily basis. Mr. Warren acknowledged sensitivity to the needs of the neighbors and proposed amending the weekend deliveries on Saturday and Sunday from 12:00 p.m. to 6:00 p.m. He spoke on behalf of the project and urged the Commission to approve the foregoing suggested hours. Mr. Warren stated that during the hearing for Entitlement Plan Amendment No. 05-01 they missed the conditioned restricted hours for delivery.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Commissioner Scandura questioned the turnaround time during truck deliveries and asked if staff has conditioned the prohibition of trucks idling during delivery. He asked what delivery hour restrictions are placed on other grocery stores.

Commission Dwyer stated that the residents agreed to Saturday deliveries from 10:00 a.m. to 6:00 p.m. at the Zoning Administrator meeting.

Commissioner Horgan questioned the ability for trucks to negotiate the entry into the loading dock. She stated that comparable stores have deliveries seven days per week but their location to residences is different. She questioned how it was possible for the applicant to not be aware of the delivery restrictions conditioned at the EPA hearing.

Commissioner Burnett addressed the height of the wall and asked if there is a code requirement prohibiting the beeping signals that warn when trucks are backing up.

Commissioner Livengood compared the extended wall at the Ralph's store located at Warner Avenue and Bolsa Chica to the wall at the subject site.

Commissioner Dingwall, appellant, presented reasons for the appeal, stated his background in the grocery store business and stated disagreement with the applicant's reasons for the necessity to conduct weekend deliveries. Commissioner Dingwall gave a Power Point presentation emphasizing the location of loading docks utilized by comparable businesses with minimal adjacent neighboring properties. He urged a compromise from Target by eliminating the 10:00 a.m. Saturday delivery.

A MOTION WAS MADE BY DWYER, TO REVISE THE SATURDAY DELIVERY HOURS FROM 10:00 A.M. TO 12:00 P.M.

Chair Ray stated that too many side bar discussions were taking place among the commissioners during the course of tonight's meeting. He called for order and stated that the meeting shall be conducted in a non-hostile manner.

Commissioner discussions ensued concerning the following:

- Duty of the Commission to apply codes and regulations.
- Delivery hours of other "big box" retail stores that include weekend deliveries and discrimination to the applicant if denied weekend deliveries.
- Limited weekend delivery with a conditioned six-month Planning Commission review.
- Alternatives to accommodate the concerns of the neighboring residents.
- Light spillage from a sign.
- Conditions as previously recommended by staff and agreed to by the applicant and approved.
- Inventory control and adequate stocking of shelves in anticipation of needs.
- The immature trees along the adjacent residential wall that was requested by a resident at a prior Zoning Administrator meeting.
- Height of the wall and the option to raise the wall to eight feet per code.

THE MOTION WAS RESTATED BY DWYER AND SECONDED BY BURNETT TO APPROVE ENTITLEMENT PLAN AMENDMENT NO. 05-01 BY CHANGING THE SATURDAY DELIVERY HOURS FROM 10:00 A.M TO 12:00 P.M.

Discussion ensued concerning revisions to Condition of Approval No. 3. to include action by the Planning Commission for a six-month review and revocation hearing, if warranted.

COMMISSIONER DWYER AMENDED HIS MOTION TO STATE THAT THE PLANNING COMMISSION SHALL CONDUCT A SIX-MONTH REVIEW CONCERNING THE HOURS OF DELIVERY TO INVOLVE PLANNING, CODE ENFORCEMENT, POLICE, AND NEIGHBOR COMPLAINTS, AND THAT A REVOCATION HEARING SHALL BE CONDUCTED BY THE PLANNING COMMISSION SHOULD ANY VIOLATIONS OCCUR CONCERNING THE MITIGATION MEASURES, CONDITIONS OR ZONING CODES. COMMISSIONER BURNETT SECONDED THE AMENDMENT.

Chair Ray stated opposition to weekend deliveries and presented reasons thereof including the applicant's ability to inventory their needs and the impact of noise and lighting upon the neighboring residents. Chair Ray also questioned how the applicant could have missed the previously conditioned delivery hours at the ZA hearing.

Commissioners Dingwall and Horgan also voiced opposition to weekend deliveries.

Commissioner Scandura asked the maker of the motion to consider including delivery on Sunday to be consistent with other "big box" retail stores in the City. The maker of the motion declined.

Discussions ensued concerning the addition of a condition to extend the wing wall in the truck area, and associated problems that would result such as the impact on the truck

turning radius, ownership of the wall, structural integrity to the existing wall, and ramifications of the engineering and permitting process.

Scott Hess, stated that a consent item would be more cost effective should the Commission agree to a six-month review concerning the delivery hours.

THE MOTION WAS AMENDED BY DWYER, SECONDED BY BURNETT, TO APPROVE ENTITLEMENT PLAN AMENDMENT NO. 05-01 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL BY CHANGING THE SATURDAY DELIVERY HOURS FROM 10:00 A.M TO 12:00 P.M., TO STATE THAT THE PLANNING COMMISSION SHALL CONDUCT A SIX-MONTH REVIEW CONCERNING THE HOURS OF DELIVERY AND WILL INVOLVE PLANNING, CODE ENFORCEMENT, POLICE, AND NEIGHBOR COMPLAINTS, AND THAT ANY VIOLATIONS MAY REQUIRE A DULY NOTICED REVOCATION OF THE PLANNING COMMISSION.

AYES: Dwyer, Scandura, Livengood, Burnett
NOES: Dingwall, Ray, Horgan
ABSENT: None
ABSTAIN: None

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 05-01:

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 proposed change to delivery hours represents a minor change to the conditions of approval that does not involve an expansion of use.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 05-01:

1. Entitlement Plan Amendment No. 05-01 to amend Condition of Approval No. 5.a of Conditional Use Permit No. 03-35 by allowing Target truck deliveries between the hours of 12p.m. and 6 p.m. on Saturday and vendor truck deliveries between the hours of 8 a.m. and 12 noon, Monday through Friday, 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. Delivery trucks entering the site will not travel behind the building adjacent to residences. The new configuration of the building directs the loading area to Adams Avenue and therefore, delivery trucks enter the site from Adams Avenue and back up directly into the loading bays which minimizes noise impacts to surrounding residents. The design of the project and conditions of approval, which include a six-month review of the loading operation by the Planning Commission, will ensure that the delivery operation will not be detrimental to the surrounding neighborhood.

2. The entitlement plan amendment will be compatible with surrounding uses because the conditions of approval and mitigation measures prohibit truck idling during deliveries and the loading area is enclosed on three sides and soundproofed to minimize impacts to residents. Based on the design of the building and limitations on truck idling, coupled with the restrictions on delivery hours, the proposed amendment to allow weekend truck deliveries will be compatible with surrounding uses.
3. The proposed Entitlement Plan Amendment No. 05-01 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 proposed amendment is in compliance with requirements in the Municipal Code regarding maximum decibel level at the property line. A noise study was submitted as part of Conditional Use Permit No. 03-35 which concluded that the maximum decibel level of 55 dB at the property line would not be exceeded by loading and unloading activities proposed on the site. The HBZSO does not otherwise prohibit weekend truck deliveries.
4. The granting of the conditional use permit will not adversely affect the General Plan. The project is consistent with the Land Use Element designation of CG-F1 (General Commercial – FAR 0.35) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Goal LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

Policy LU 10.1.5: Require that buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

Policy LU 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

The proposed Target store would support the needs and reflect market demand of City residents and visitors. Through design features implemented to mitigate noise impacts and operational restrictions to truck deliveries including restricted delivery hours and restrictions on truck idling, the residents will be protected from excessive noise impacts from loading and unloading activities.

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 05-01:

1. The site plan, floor plans, and elevations received and dated March 18, 2004 shall be the conceptually approved design.
2. Target product delivery and trash pickup shall be permitted between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 12:00 p.m. to 6:00 p.m. on Saturday. No deliveries shall occur on Sunday. Delivery hours for vendor trucks shall be permitted between the hours of 8:00 a.m. and 12 p.m. Monday through Friday. All delivery vehicles, including Target product delivery trucks and outside vendors trucks that cannot be accommodated with a typical 9 foot wide by 19 foot deep parking stall shall utilize the enclosed delivery bays for all loading and unloading activities. All other delivery vehicles that are no larger than a typical parking stall size may utilize the parking lot and access the

store through the main entrance. Deliveries of any kind shall be prohibited behind the subject building, other than the designated loading and unloading bays.

3. A review of the hours of deliveries and all loading and unloading activities shall be conducted by the Planning Commission within six months following the issuance of a certificate of occupancy. The review shall include a public hearing with notification to all property owners and tenants within a 500-foot radius of the subject site. The six-month review of the hours of delivery and loading and unloading activities will involve Planning, Code Enforcement, Police, and neighbor complaints in order to determine compliance with the conditions of approval, mitigation measures, and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance and Municipal Code pertaining to noise and truck deliveries. Any violations of the mitigation measures, conditions of approval, or applicable chapters of the HBZSO and HBMC may require a duly noticed revocation hearing of the Planning Commission.
4. All conditions of approval required under Conditional Use Permit No. 03-35 shall be adhered to with the exception of Condition No. 5 a, as amended under Entitlement Plan Amendment No. 05-01.

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.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED JULY 26, 2005

RECOMMENDED ACTION: Motion to: "Approve the July 26, 2005 Planning Commission Minutes as submitted."

A MOTION WAS MADE BY HORGAN, SECONDED BY LIVENGOOD, TO APPROVE THE JULY 26, 2005 PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Sawyer, Dingwall, Ray, Livengood, Bennett, Horgan
NOES: None
ABSENT: None
ABSTAIN: Scandura

MOTION APPROVED



CITY OF HUNTINGTON BEACH

2000 MAIN STREET

CALIFORNIA 92648

OFFICE OF THE CITY CLERK

July 29, 2004

Business Properties Development Company
Attn: Charles G. Ball
17631 Fitch
Irvine, CA 92614

Re: NOTICE OF FINAL ACTION

Dear Mr. Ball:

The City Council of the City of Huntington Beach at its regular meeting held Monday, July 19, 2004 took action on the following Public Hearing Appeal: **Public Hearing to Consider Appeal Filed by Charles G. Ball of the Planning Commission's Approval of Application Filed by John Warren of Conditional Use Permit No. 03-35 (Target Department Store Demolition and Rebuild) Located at 9882 Adams Avenue (s/w Corner of Brookhurst Street and Adams Avenue)**

The City Council upheld the Planning Commission decision of approval. As part of their approval Council amended the condition to reduce the number of compact parking spaces to the greatest extent feasible and relocate any remaining compact spaces to remote areas on the lot.

The Action Agenda and *amended* Findings and Conditions of Approval are enclosed. The July 19, 2004 minutes of the approval of the appeal will be mailed to you following Council approval of the minutes.

This is a final decision. You are hereby notified that pursuant to provisions of Section 1094.6 of the Code of Civil Procedure of the State of California you have ninety days from July 19, 2004 to apply to the court for judicial review.

If you have any questions regarding this matter, please contact my office at (714) 536-5227.

Sincerely,

Joan L. Flynn
City Clerk

Enclosure: Government Code 1094.6
Amended Suggested Findings and Conditions for Approval
Action Agenda Pages 8-9

cc: Penelope Culbreth-Graft, City Administrator
Jennifer McGrath, City Attorney
Howard Zelefsky, Planning Director
Herb Fauland, Principal Planner
Paul DaVeiga, Associate Planner

ATTACHMENT NO. 4.1

FINDINGS AND CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 03-35

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 03-35:

1. Conditional Use Permit No. 03-35 to permit the demolition of a 103,458 sq. ft. retail building and construction of a new 123,800 sq. ft. Target department store with an 8,100 sq. ft. attached garden center 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 project meets or exceeds all Huntington Beach Zoning and Subdivision Ordinance standards. The proposed architecture, colors, and materials are consistent with the Urban Design Guidelines through the use of varied quality building materials such as stone veneer, stucco, and concrete tile roof. The design incorporates multiple plane rooflines and a substantial amount of massing in the design to eliminate the "big-box" appearance of the subject building. Based upon the conditions imposed, the 8,100 square foot garden center will be designed with a solid wall running along its entire length, which will reduce potential noise impacts from garden center activities to adjacent properties. In addition, the loading and unloading area will be designed to minimize potential impacts to adjacent residences. With the implementation of MND No. 03-02 mitigation measures, conditions of approval, and design modifications, the potential impacts of the project have been mitigated to a level of insignificance.
2. The conditional use permit will be compatible with surrounding uses which consist of commercial uses to the north and east, and single-family residences to the south and to the west of the subject site. A noise study was conducted on the subject site and recommended mitigation measures have been incorporated into the conditions of approval. The garden center will be equipped with a solid block wall along its entire length to mitigate any potential noise impacts to nearby residents. The operation of the garden center will be regulated through the conditions of approval and shall not contain any amplified loudspeakers, which would disrupt adjacent residents. Hours of operation for loading and unloading of product have been regulated in the conditions of approval to allow deliveries during daytime hours only. The proposed truck loading will be constructed with sound attenuating material such as solid walls, roof, rubber seals, and sound absorbing material to reduce noise impacts to adjacent residents. In addition, loitering by employees or patrons shall not be allowed behind the subject building and signs shall be posted which prohibit loitering activity.
3. The proposed Conditional Use Permit No. 03-35 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.
4. The granting of the conditional use permit will not adversely affect the General Plan. The project is consistent with the Land Use Element designation of CG-F1 (General Commercial – FAR 0.35) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - A. Land Use Element

Goal LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

Goal LU 2: Ensure that development is adequately served by transportation, infrastructure, utility infrastructure, and public services adequately serve development.

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy LU 10.1.5: Require that buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

Policy LU 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

Policy LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including the consideration of:

- Incorporation of site landscape, particularly along street frontages and in parking lots;
- Linkage of buildings by common architectural design, landscape and pedestrian systems, to avoid the appearance of independent freestanding structures surrounded by parking;
- Siting and design of structures to facilitate and encourage pedestrian activity;
- Siting of one or more buildings in proximity to the street frontage to convey a visual relationship to the street and sidewalks;
- Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations; and
- Inclusion of consistent signage designed and integrated into the building's architectural character.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 7.1.6: Accommodate the development of additional jobs-generating land uses that improve the 1992 jobs-to-housing ratio of 0.82 to 1.0 or greater; to meet objectives of the Regional Comprehensive Plan (Southern California Association of Governments) and Air Quality Management Plan. These should capitalize upon existing industrial strengths emphasizing the clustering of similar or complementary industries.

The proposed Target store would support the needs and reflect market demand of City residents and visitors. The proposed development improves the project site through the addition of landscape planters along the perimeter of the site and throughout the parking area. In addition, the proposed project would help the City to achieve its goal of enhancing the community image of Huntington Beach through the design and construction of a high-quality, state-of-the-art development; impacts to the surrounding area are mitigated to the greatest extent possible, while still allowing for the market-driven commercial development.

The design of the project promotes development of commercial buildings that convey a unified, high-quality visual image and character. The City's Design Review Board has reviewed the proposed architecture, colors, and materials and recommends preliminary approval of the design

concept with minor modifications. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation.

With the recommended conditions of approval, the design of the project meets the objectives of the Urban Design Element through the use of massing elements and architectural detailing on all elevations, in conjunction with a varied roof line in order to eliminate the appearance of an overall "big-box" design. Varied use of earth tone colors and quality exterior materials such as stone veneer, split-face block, and other similar materials is incorporated to accent prominent portions of the building façades.

B. Economic Development Element

Goal ED 1: Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

Goal ED 2: Aggressively retain and enhance the existing commercial, industrial, and visitor-serving uses while attracting new uses to Huntington Beach.

Goal ED 3: Enhance Huntington Beach's economic development potential through strategic land use planning and sound urban design practices.

The proposed project promotes development in accordance with Huntington Beach's Economic Development Element. The proposed project expands upon an already successful retail commercial development that, with the additional floor area proposed, will broaden and stabilize the City's economic base. New employment opportunities will be created both in the construction of the proposed development and in the long-term operations of the retail establishment.

C. Circulation Element

Goal CE 1: Provide a balanced transportation system that supports the policies of the General Plan and facilitates the safe and efficient movement of people and goods throughout the City while providing a balance between economic development and the preservation of residential neighborhoods, and minimizing environmental impacts.

Goal CE 2: Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

Policy CE 2.1.1: Maintain a citywide level of service (LOS) not to exceed LOS "D" for intersections during the peak hours.

Policy CE 2.1.2: Maintain a city-wide level of service (LOS) not to exceed LOS "C" for daily traffic, with the exception of Pacific Coast Highway south of Brookhurst Street.

Policy CE 2.1.3: Identify and improve roadways and intersections that are approaching, or have reached, unacceptable levels of service.

Goal CE 5: Provide sufficient, well-designed, and convenient on- and off-street parking facilities throughout the City.

Goal CE 7: Maintain and enhance the visual quality and scenic views along designated corridors.

A traffic impact analysis has been completed by a traffic engineering firm to ensure a balanced transportation system that adequately mitigates the project's potential traffic impacts while still allowing for commercial development to be achieved. The developer will be required to contribute a fair-share payment toward traffic system improvements to mitigate the project's proportionate impacts to certain intersections and roadways. Through the recommended conditions of approval, the project will be required to provide a much-needed traffic signal at one of the most dangerous intersections in the City. The well-designed parking facilities include compact spaces distributed throughout the site, access between existing parcels without re-entering the public street system, reciprocal driveways between uses, parking lot landscape planters, and perimeter landscaping to enhance the view of the parking area from the surrounding street system.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 03-35:

1. The site plan, floor plans and elevations received and dated March 18, 2004 shall be the conceptually approved layout with the following modifications:
 - a. The loading dock enclosure shall be constructed with sound absorbing material designed to minimize noise impacts associated with loading and unloading activities. Truck loading and maneuvering shall be designed to provide the greatest separation possible from the adjacent residential properties. The architecture colors and materials of the enclosure shall be consistent with the overall building architecture.
 - b. The architecture colors and materials of the garden center shall be consistent with the overall building architecture.
 - c. The design, colors, and materials for the subject building shall be reviewed by the Design Review Board (DRB) following approval by the Planning Commission.
 - 1) Elevations shall be revised to incorporate multiple roof planes and/or a variety of roof slopes to reduce the overall mass and bulk of the building and comply with the Urban Design Guidelines.
 - 2) The overall architectural theme shall reflect a contemporary architectural design consistent with the design concept identified on elevation dated April 14, 2004. Several massing elements, in various volumes, shall be incorporated into the design. Varied use of earth tone colors and quality exterior materials such as stone veneer, split-face block, or other similar material shall be incorporated to accent prominent portions of the building façades.
 - 3) The design of the garden center shall incorporate an enhanced entry design which shall have the appearance of a secondary storefront. The design of the garden center shall include similar architectural design as the overall building.
 - 4) A public art element shall be integrated and be in a location that is visible to the public within the project site. Public art shall incorporate the following:
 - i) Artistic excellence and innovation
 - ii) Appropriate to the design of the project
 - iii) Indicative of the community's cultural identity (ecology, history, society)

The Design Review Board's recommended public art element shall be reviewed and approved by the Planning Director, prior to issuance of a building permit for the project. The public art shall be in place at the subject site prior to final building inspection.

- d. The cart corrals shall be constructed with a durable material such as concrete block. The design of the cart corrals shall be consistent with Sheet 6 of the conceptual plans dated March 18, 2004. The colors and materials used on the cart corrals shall be consistent with the subject building.
- e. All non-conforming signs shall be eliminated from the subject site, including the one pylon sign along the Adams Avenue frontage and a second pylon sign along the Brookhurst Street frontage. A planned sign program for all signage on the subject property and outlying commercial pads shall be submitted to the Planning Department. Said program shall be approved prior to the first sign permit request.
- f. Prior to submittal for building permits. The applicant shall submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval, and inclusion in the entitlement file to the Planning Department and submit 8.5 inch by 10 inch colored elevations, materials board, and renderings to the Planning Department for inclusion in the entitlement file.

~~The parking layout shall be amended to reduce the number of compact parking spaces to the greatest extent feasible and relocate any remaining compact spaces to remote areas on the lot.~~

- g. ~~The parking layout shall be amended to reduce the number of compact parking spaces to the greatest extent feasible and relocate any remaining compact spaces to remote areas on the lot.~~
 - h. All parking that is proposed behind the store, within the access gates, shall be designated as employee-only parking.
 - i. A minimum of two speed bumps shall be provided behind the building, subject to review and approval by the Fire Department.
 - j. All perimeter trees located directly adjacent to residential properties shall be of a species that is non-deciduous and results in minimal impacts in maintenance and upkeep to adjacent properties.
2. Prior to issuance of a grading permit, the following shall be completed:
- a. The site plan received and dated April 14, 2003 shall be the approved layout except for the following: (PW)
 - 1) The driveway on the south side of the property along Brookhurst Street shall be widened to a minimum of 36-feet in width, to allow for two egress lanes.
 - 2) A minimum 10-foot sight triangle must be provided at all points on the site, including the building corners. Areas of concern include the northwest corner (at the loading dock) and northeast corner of the building. The sidewalk must also be extended a minimum of four feet west of the building corner.
 - 3) A truck-tracking exhibit, utilizing a WB-50 design vehicle, must be provided to demonstrate that delivery trucks can be accommodated. This truck tracking exhibit must illustrate a truck entering the site, accessing the loading docks and egressing the site. It must be

demonstrated that the truck movements will not encroach into opposite directions of roadway traffic nor impact the parking spaces shown.

- 4) A traffic signal shall be constructed at the main driveway entrance on Adams Avenue. This traffic signal shall include the installation of interconnect conduit and cable to the traffic signal controller cabinet at the intersection of Brookhurst Street and Adams Avenue. A traffic signal and maintenance easement shall be provided in the driveway area. The appropriate curb ramp and signing & striping modifications shall be made to accommodate the traffic signal installation. **(PW/MM)**
 - 5) The applicant shall provide the legal description(s), plat(s), and supporting documents necessary for the City to quitclaim any abandoned portions of the existing water line easement dedicated to the City of Huntington Beach. **(PW)**
3. Prior to issuance of building permits, the following shall be completed:
- a. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
 - b. The public art element shall be reviewed by the Design Review Board and approved by the Planning Director.
4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for commencement of use and issuance of a Certificate of Occupancy until compliance with all conditions of approval specified herein are accomplished and verified by the Planning Department.
5. The use shall comply with the following:
- a. Delivery hours for vendor truck deliveries, Target product delivery, and trash pickup shall be limited to Monday through Friday between the hours of 7:00 AM to 7:00 PM. All delivery vehicles, including Target trucks and outside vendors that cannot be accommodated with a typical 9 foot wide by 19 foot deep parking stall shall utilize the enclosed delivery bays for all loading and unloading activities. All other delivery vehicles that are no larger than a typical parking stall size may utilize the parking lot and access the store through the main entrance. Deliveries of any kind shall be prohibited behind the subject building, other than the designated loading and unloading bays. **(MM)**
 - b. Delivery trucks shall not leave engines idling while delivering merchandise to the Target store. Trucks shall turn-off engines once they reach the loading dock. **(MM)**
 - c. There shall be no loudspeakers or other amplified devices within the garden center, at any time.
 - d. Rubber noise seals shall be provided around the opening to the building at the location of the loading dock. **(MM)**
 - e. The trash compactor shall not be operated before 8:00 AM and after 7:00 PM. **(MM)**

- f. All doors along the southerly and westerly facades of the building shall remain closed at all times. (MM)
 - g. The hours of operation for the Target store shall be from 7 a.m. to 12 a.m. The access gates to the rear of the building shall remain closed from 10:00 p.m. to 7:00 a.m.
 - h. Parking lot lights shall be automatically dimmed to minimal security level lighting one hour after closing.
 - i. The Target Department Store shall be designated as a single user with a maximum of 10 percent of the gross building floor area devoted to an ancillary retail/restaurant tenant.
 - j. Any re-use of the site or request for future demising walls to allow for a new use within the subject building shall require approval of a conditional use permit by the Planning Commission.
 - k. All outdoor display of seasonal, holiday, special events, and temporary outdoor sales events within the parking lot, on sidewalks, or any other portion of the project site shall be subject to the Huntington Beach Zoning and Subdivision Ordinance Code. At no time shall a Temporary Use Permit be granted for the area between the subject building and the southerly or westerly property lines.
 - l. There shall be no outside storage of storage containers or bins, vehicles, vehicle parts, equipment, or trailers. There shall be no outside storage of palettes or other product at any time without the required permits.
 - m. There shall be no loitering by patrons or employees within the parking areas located at the rear of the subject building. Signs shall be posted to indicate that no loitering in all parking areas located behind the subject building. Store managers shall be responsible for regulating all activity occurring at the rear of the subject building at all times.
 - n. A store liaison shall be permanently established and available to assist neighbors and residents with issues regarding the site during construction and after completion of the project when the development is open for business. A sign identifying the store contact and telephone number shall be permanently posted on-site.
 - o. All Mitigation Measures of Mitigated Negative Declaration No. 03-02 shall be adhered to.
6. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action and the conditions herein. 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 Huntington Beach Zoning and Subdivision Ordinance.
7. 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.

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.

Six-Month Review – CUP No. 03-35 (Target)
History of Neighbor Complaints and Code Enforcement Actions - September 27, 2005 to Present (4/25/06)

Date of Complaint	Reporting Party	Issue	Verified by Code Enforce.	Code Enforcement Response
11/4/05 Friday	Code Enforcement	Delivery Vehicles parked behind the building	Yes	<input type="checkbox"/> Verbal communication with Store Manager –copies of CUP posted on Target Employees Bulletin Board
11/07/05 Monday	Code Enforcement	Outside Storage	Yes	<input type="checkbox"/> Meeting with Store Manager and review of conditions of approval
11/15/05 Tuesday	Code Enforcement	Outside Storage	Yes	<input type="checkbox"/> Ongoing verbal communication with Store Manager
11/21/05 Monday (E-Mail)	Resident	Truck Idling	No	<input type="checkbox"/> E-mail sent to Store Manager (11/29/05) <input type="checkbox"/> Meeting with Store Manager (12/5/05)
12/5/05	Code Enforcement	Compliance with CUP Conditions	N/A	<input type="checkbox"/> On-site meeting with Store Manager regarding outside storage and delivery truck parking
1/6/06 Friday (E-Mail)	Resident	Truck Idling	No	<input type="checkbox"/> E-mail sent to Store Manager (01/09/06) <input type="checkbox"/> Staff begins weekly inspections
1/19/06 Thursday	Code Enforcement	Truck Parked Outside of Loading Bays/Outside Storage	Yes	<input type="checkbox"/> Ongoing verbal communication with Store Manager
1/29/06 Sunday (E-Mail)	Resident	Truck Idling	No	<input type="checkbox"/> E-mail to Store Manager (01/31/06) <input type="checkbox"/> Ongoing verbal communication with Store Manager
2/5/06 Sunday (E-Mail)	Resident	Sunday Delivery	No	<input type="checkbox"/> Ongoing verbal communication with Store Manager
2/7/06 Tuesday	Code Enforcement	Truck Outside of Loading Bays/Outside Storage	Yes	<input type="checkbox"/> E-mail/verbal comm. with Store Manager (02/08/06) <input type="checkbox"/> Notice of Violation issued to Store Manager (02/09/06)
2/24/06 Friday (E-Mail)	Resident	Truck Idling	No	<input type="checkbox"/> E-mail to Store Manager (02/24/06) <input type="checkbox"/> Ongoing verbal communication with Store Manager
3/1/06 Wednesday (E-Mail)	Resident	Truck Idling/ Sunday Delivery	No	<input type="checkbox"/> Ongoing verbal communication with Store Manager
3/6/06 Monday	Code Enforcement	Truck Outside of Loading Bays/Outside Storage	Yes	<input type="checkbox"/> Citation issued to Store Manager (03/07/06) <input type="checkbox"/> Ongoing verbal communication with Store Manager
3/30/06 Thursday (E-Mail)	Resident	Truck Idling/ Sunday Delivery	No	<input type="checkbox"/> Ongoing verbal communication with Store Manager



City of Huntington Beach Planning Department

STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Ron Santos, Associate Planner *RS*
DATE: April 25, 2006

SUBJECT: SIX MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING)

APPLICANT: Vu Tran, 10126 Towneway Drive, El Monte, CA 91733

PROPERTY/

OWNER: Business Properties c/o Laurie Dome, 17631 Fitch, Irvine CA 92623

LOCATION: 10142 Adams Avenue (southeast of the Adams Avenue/Brookhurst Street intersection)

STATEMENT OF ISSUE:

This item represents a six-month review of Conditional Use Permit No. 05-08, approved by the Planning Commission on Oct. 11, 2005. Conditional Use Permit No. 05-08 authorized dancing (140 sq. ft. dance floor) and a one-space reduction in required parking at the Le Petit Paris restaurant/nightclub. Le Petit is located in the Stater Brothers shopping center, southeast of the Adams Avenue/Brookhurst Street intersection. The six-month review is required as a condition of approval by the Planning Commission of Conditional Use Permit No. 05-08. The purpose of the review is to verify compliance with the conditions of approval and assess any potential impacts of the approved use and the reduction in required parking to the adjoining properties.

RECOMMENDATION:

Motion to:

“Direct staff to schedule a public hearing for revocation of Conditional Use Permit No. 05-08.”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Receive and file as adequate the six-month review of Conditional Use Permit No. 05-08”
- B. “Receive and file as adequate the six-month review of Conditional Use Permit No. 05-08 and schedule a follow-up six-month review.”
- C. “Receive and file as adequate the six-month review of Conditional Use Permit No. 05-08 and adopt modified conditions of approval (Attachment No. 7).”

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on April 13, 2006 and notices were sent to tenants and property owners of record within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of April 18, 2006, one letter concerning this item was received from the owner of Le Petit Paris (Attachment No. 10). No other communication supporting or opposing the request has been received.

ANALYSIS:

The six-month review of Conditional Use Permit No 05-08 considered code enforcement complaints, Police Department calls for service and on-site inspections, and was completed by Planning, Code Enforcement, Fire and Police Department personnel. The City has not received code enforcement complaints or Police Department calls for service associated with the Le Petit Paris over the course of the previous six months (i.e., since issuance of the entertainment permit on November 8, 2005), with the exception of a complaint received by the Police Department on April 8, 2006 (discussed below).

At the request of Planning Staff, a Fire Inspection Specialist and a Police Officer inspected the establishment on Saturday April 1, 2006, at approximately 10:30 p.m. and 11:00 p.m. respectively. The Fire Department reported three Fire Code violations corresponding to the April 1, 2006 inspection:

- Failure to post Certificate of Occupancy
- Failure to post room capacity signs.
- Obstruction of sprinkler systems.

The Fire Department issued a Notice of Violation to the owner of Le Petite Paris corresponding to the April 1, 2006 inspection on April 5, 2006 (Attachment No. 4.1). The Notice required correction of the violations by April 13, 2006, and re-inspection by the Fire Department. The Fire Department conducted the re-inspection on April 14, 2006. None of the three violations identified in the April 5, 2006 correction notice had been corrected, which resulted in the issuance of a second Fire Department Notice of Violation dated April 14, 2006. (Attachment No. 4.3)

A copy of the Police Department Incident/Investigation Report corresponding to the April 1, 2006 inspection is provided as Attachment No. 5. The Police Report provides details of the inspection and identifies numerous violations observed, including violations of Conditional Use Permit No. 05-08, the Entertainment Permit (Attachment No. 3), the Alcoholic Beverage Control License (Attachment No. 7) and Building and Fire codes. Violations of Conditional Use Permit No. 05-08 include dancing occurring in unauthorized areas of the building and failure to properly delineate the dance floor in accordance with the approved floor plan and conditions of approval.

The Police Department also reported that a noise-related complaint was received in the early a.m. hours of April 9, 2006 (Saturday night/Sunday morning). The Police Officer investigating the complaint that night reported that music playing in the establishment was audible at a distance in excess of 50 feet (approximately 200 feet) from the building. This represents a violation of the entertainment permit conditions.

Based on the violations listed in the April 1, 2006, Police Department Incident/Investigation Report, and the subsequent violation (occurring April 8, 2006) of the Entertainment Permit conditions, the Police Department recommends that the Planning Commission revoke Conditional Use Permit No. 05-08 (Attachment No. 6). A revocation action would require a separate, noticed public hearing, which may be scheduled at the discretion of the Planning Commission.

This report also identifies alternative actions (listed above), which may be taken by the Planning Commission at the April 25, 2006 hearing, as requested by the Planning Commission at the April 11, 2006 study session. Among the list of alternative actions identified is adding new conditions or modifying the existing conditions of approval of Conditional Use Permit No. 05-08 (Alternative Action "C"). Staff suggested additional conditions of approval corresponding to this alternative action are provided as Attachment No. 8 (in bold print), along with the previously approved conditions.

Based on the violations reported by the Police Department, the recommendation of the Police Chief and the prior history of violations at Le Petit Paris (as discussed in the Conditional Use Permit No. 05-08 staff report – Attachment No. 2), staff recommends that the Planning Commission direct staff to schedule a hearing for revocation of Conditional Use Permit No. 05-08.

ATTACHMENTS:

1. Staff Report – October 11, 2005, Planning Commission meeting (CUP No. 05-08)
2. Minutes of October 11, 2005 Planning Commission meeting (CUP No. 05-08)
3. Le Petite Paris Entertainment Permit – Issued November 8, 2005
4. Fire Department Correction Notices – dated April 5, 2006 and April 6, 2006
5. Police Department Incident/Investigation Report – dated April 1, 2006
6. Memo from Police Chief Small – dated April 17, 2006
7. California Department of Alcoholic Beverage Control License – Issued March 25, 2002
8. Suggested Additional Conditions of Approval (CUP No. 05-08)(Alternative Action "C")
9. Conditional Use Permit No. 98-39 – Notice of Action, dated August 28, 1998.
10. Letter from Bill Pham, Owner of Le Petit Paris, received and dated April 18, 2006.

SH:HF:RS:cs



City of Huntington Beach Planning Department

STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Ron Santos, Associate Planner *RS*
DATE: October 11, 2005 *gHF*

SUBJECT: **CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING)**

APPLICANT: Vu Tran, 10126 Towneway Drive, El Monte, CA 91733

PROPERTY

OWNER: Business Properties c/o Laurie Dome, 17631 Fitch, Irvine CA 92623

LOCATION: 10142 Adams Ave. (southeast of the Adams Avenue/Brookhurst Street intersection)

STATEMENT OF ISSUE:

- ♦ Conditional Use Permit No. 05-08 request:
 - Permit a 140 sq. ft. dance floor in conjunction with an existing restaurant/nightclub and a one space reduction in required parking.
- ♦ Staff's Recommendation:
 - Approve Conditional Use Permit No. 05-08 based upon the following:
 - The proposed use will be compatible with the surrounding land uses.
 - Adequate on-site parking is available to accommodate the proposed use.

RECOMMENDATION:

Motion to:

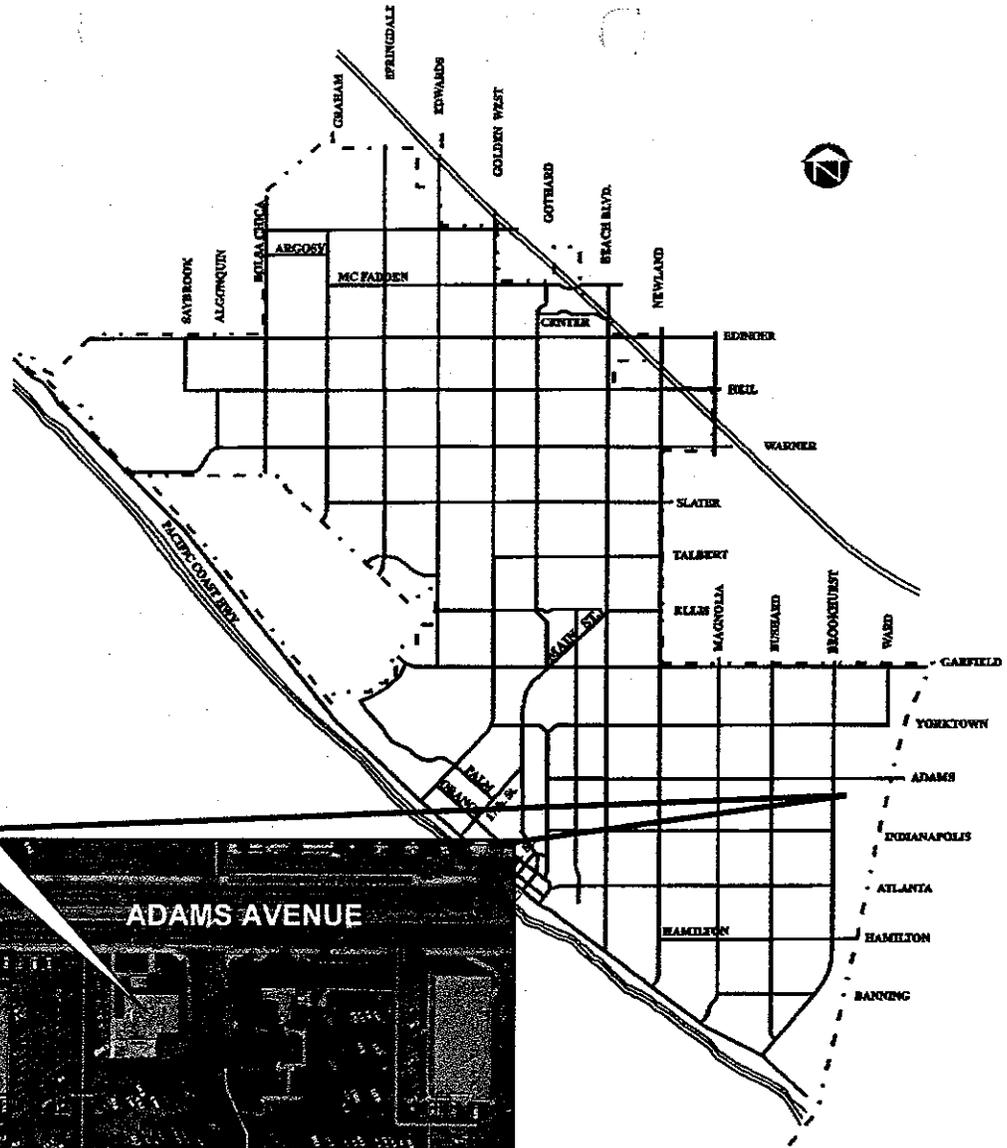
“Approve Conditional Use Permit No. 05-08 with findings and suggested conditions of approval (Attachment No. 1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 05-08 with findings for denial.”
- B. “Continue Conditional Use Permit No. 05-08 and direct staff accordingly.”

ATTACHMENT NO. 1.1



LE PETIT PARIS



VICINITY MAP
LE PETIT PARIS RESTAURANT
10142 ADAMS AVENUE
CONDITIONAL USE PERMIT NO. 05-08

PROJECT PROPOSAL:

Conditional Use Permit No. 05-08 represents a request for the following:

- A. To permit a 140 sq. ft. dance floor in conjunction with an existing restaurant/nightclub, pursuant to the provisions of HBZSO Section 211.04 – CO, CG and CV Districts: Land Use Controls.
- B. To permit a one space reduction in required parking, pursuant to the provisions of HBZSO Section 231.08(B) – *Reduced Parking for Certain Uses*, based on survey data prepared by a state licensed traffic engineer, on a site with existing non-conforming parking.

A 9.5 ft. by 14.5 ft. dance floor is proposed adjacent to a small (73 sq. ft.) stage located in the restaurant's lounge. The applicant's project narrative (Attachment No. 3) indicates that the dancing will be primarily ballroom dancing, such as Swing, Tango, Rhumba and Cha-Cha; and that use of the dance floor for dancing lessons, birthday parties and wedding receptions is also anticipated. The restaurant's current business hours and permitted live entertainment hours are stated in the table below. The applicant proposes to allow dancing coinciding with the permitted live entertainment hours.

Existing/ Proposed Business Hours:	11:00 a.m. to 2:00 a.m. Tuesday - Sunday	
Permitted Live Entertainment Hours:	9:00 p.m. to 1:00 a.m. Sunday – Thursday	9:00 p.m. to 1:30 a.m. Friday - Saturday

Because of the difference between the parking ratio applicable to restaurants (1/100 sq. ft.) and the ratio applicable to dance floors (1/50 sq. ft.), the proposed dancing use requires that one additional parking space be provided on site. However, the site is currently deficient 58 parking spaces or 8 percent, based on the current mix of uses (734 required/ 676 provided). HBZSO Section 231.08(B) – *Reduced Parking for Certain Uses*, authorizes the granting of a reduction in required parking, based on survey data prepared by a state licensed traffic engineer, demonstrating that the site experiences a surplus in parking based on actual use. The property owner hired KHR Associates to conduct a parking analysis of the property. The study, discussed in the analysis portion of this report, is provided as Attachment No. 4.

Background:

The subject building has been operated as a restaurant with alcohol sales, under various names and owners, since the building was constructed in 1977. In 1998, the City approved a conditional use permit authorizing live entertainment at the restaurant, then known as the Moulin Rouge. The current owners, who have operated the restaurant since 2002, changed the name to LePetit Paris in November 2004.

In September 2002, the City approved an Administrative Permit allowing an outdoor dining patio of up to 400 sq. ft. on the west side of the building. In February 2003, the Zoning Administrator approved a conditional use permit authorizing alcohol service in the outdoor patio area.

Le Petit currently provides live entertainment, pursuant to the 1998 Conditional Use Permit, and has a valid entertainment permit, issued by the City on June 1, 2005 (Attachment No. 5). The entertainment permit allows for a solo (amplified or non-amplified) performer. The entertainment permit also requires a

minimum of four security guards during entertainment hours, two of which must be stationed in the parking lot.

Code Enforcement History:

Beginning approximately in August 2003, the Police Department and Code Enforcement began receiving complaints regarding noise and other disturbances occurring at the Moulin Rouge. The restaurant was issued citations for allowing dancing without proper permits as well as violations of the City's noise ordinance. Repeated violations and excessive calls for Police service ultimately resulted in the revocation of the entertainment permit in June 2004, for a one year period. The restaurant owner then sued the City alleging discrimination. The case was subsequently dismissed by a Federal judge and is pending an appeal. In the interim, the restaurant owners made improvements to the building for soundproofing purposes. The Police Department and Code Enforcement have reported no violations at the restaurant for a period in excess of one year.

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. FAR)	CG (Commercial General)	Stater Bros. Shopping Center
North of Subject Property (across Adams Ave.):	CG-F1 (Commercial General – 0.35 max. FAR), RMH-25 (Residential Medium High Density – 25 units/acre)	CG (Commercial General), RMH (Residential Medium High Density)	Future Ralph's Shopping Center (under construction), multi-family residential
South and East of Subject Property:	RL-7 (Residential Low-Density – 7 units/acre)	RL (Residential Low-Density)	single-family residential
West of Subject Property (across Brookhurst St.):	CG-F1 (Commercial General – 0.35 max. FAR)	CG (Commercial General)	New Target Shopping Center

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is CG-F1 (Commercial General – 0.35 max. F.A.R.). The proposed use is consistent with this designation and the goals and objectives of the City's General Plan as follows:

Land Use Element

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

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, and (c) captures visitor and tourist activity.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The proposed conditional use permit will provide for the cultural, entertainment and recreational needs of an existing business by allowing the existing establishment to provide opportunities for its patrons to dance. In addition, the use will augment entertainment opportunities for residents of the surrounding area.

Zoning Compliance:

This project is located in the CG (Commercial General) zone and complies with the requirements of that zone, with the exception of the requested one space reduction in required parking.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

The proposed use is categorically exempt pursuant to Class 5, *Minor Alterations in Land Use Limitations*, Section 15305 of the California Environmental Quality Act, which states that minor alterations in land use limitations that do not result in any changes in land use or density, are Categorically Exempt.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Police Department, City Attorney and Code Enforcement Division have reviewed the request and have no concerns. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 6) for informational purposes only.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on September 29, 2005, 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), tenants at the commercial center, the applicant, and interested parties. As of October 6, 2005, one telephone call opposing the request, based on concerns related to noise, has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

Conditional Use Permit: September 22, 2005

MANDATORY PROCESSING DATE(S):

November 21, 2005

ANALYSIS:

The primary issues identified with this proposal to allow dancing at an existing restaurant are compatibility with adjacent uses and parking.

Land Use Compatibility

The Le Petit Paris restaurant is located in a free-standing building within an existing commercial shopping center, such that the nearest residence is located 250 feet away (to the east – measured from the exterior building wall to the residential property line) and the nearest business (Denny's Restaurant) is located 85 feet away. Le Petit's live entertainment permit prohibits noise associated with entertainment that is audible beyond 50 feet of the business in any direction. Accordingly, no noise related impacts are anticipated with the addition of dancing. Staff's analysis also considers that, as noted above, the applicant has made soundproofing improvements to the restaurant building since the time noise complaints were received in the past. The Police Chief maintains the authority to revoke the required entertainment permit should violations of the entertainment permit conditions or detrimental impacts to the public welfare occur.

In addition, since the proposed dance floor is limited to 140 sq. ft. (two percent of the total restaurant's floor area) and the restaurant's floor plan is partitioned such that the dance floor is located in a room comprising less than 50 percent of the total dining area, it is not expected that the addition of the dance floor will significantly alter the use.

Parking

The proposed one space reduction in required parking will not have a significant impact on the availability of parking in the shopping center. The parking study prepared by KHR Associates, a licensed traffic engineering firm, concluded that approximately 42 percent of the available parking spaces are currently utilized at peak periods. The study is based on parking counts conducted at the site on Friday, August 5 and Saturday, August 6, 2005, between the hours of 10:00 a.m. and 6:00 p.m. – the time period identified as the peak use period for neighborhood shopping centers by the Institute of Traffic Engineers (ITE).

The study also states that, according to the ITE Parking Generation Manual, adjustments for seasonal variation and occupancies that generate higher parking demand (e.g., Thanksgiving to New Year's holiday period) could temporarily increase the overall parking demand by as much as 42 percent on select days – resulting in use of approximately 84 percent of the available parking spaces. The study's conclusion that a parking surplus exists (based on utilization), is consistent with parking counts taken in 2002 in support of a conditional use permit for a day care use proposed in the same shopping center.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval
2. Site Plan and Floor Plan, received and dated September 7, 2005
3. Narrative, received and dated June 16, 2005
4. Parking Study, received and dated September 7, 2005.
5. Le Petit Paris Entertainment Permit, issued June 2005
6. Code Requirements List for informational purposes only.

SH:HF:RS:rl

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 05-08

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 15305 of the CEQA Guidelines, because the conditional use permit provides for minor alterations in land use limitations that do not result in any changes in land use or density.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-08:

1. Conditional Use Permit No. 05-08, to permit a 140 sq. ft. dance floor in conjunction with an existing restaurant/nightclub and a one space reduction in required parking, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use is regulated by the provisions of Chapter 5.44 of the Huntington Beach Municipal Code and the required entertainment permit. The entertainment permit prohibits noise that is audible at a distance greater than 50 feet from the business. No residential property or other commercial buildings existing within 50 feet of the restaurant. In addition, the subject property provides adequate parking to accommodate the proposed dancing, as demonstrated by a parking survey, prepared by a licensed traffic engineer, indicating an average parking utilization of approximately 40%.
2. The conditional use permit will be compatible with surrounding uses because the proposed use is located within an existing shopping center in a commercial zone, and is adequately buffered from the nearest residential properties and commercial buildings by distance of approximately 250 feet and 85 feet respectively. In addition, the restaurant building has been soundproofed so as to minimize noise related impacts on surrounding land uses.
3. The proposed dance floor and one space reduction in required parking 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 allows dancing and a reduction in parking for certain uses, in the CG zone, with approval of a conditional use permit and based on a parking survey demonstrating that sufficient parking is available to accommodate the proposed use.
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 CG-F1 (Commercial General – 0.35 max. floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

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

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, and (c) captures visitor and tourist activity.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The proposed conditional use permit will provide for the cultural, entertainment and recreational needs of an existing business by allowing the existing establishment to provide opportunities for its patrons to dance. In addition, the use will augment entertainment opportunities for residents of the surrounding area.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-08:

The site plan and floor plan received and dated September 7, 2005 shall be the conceptually approved design.

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.

LE PETIT PARIS

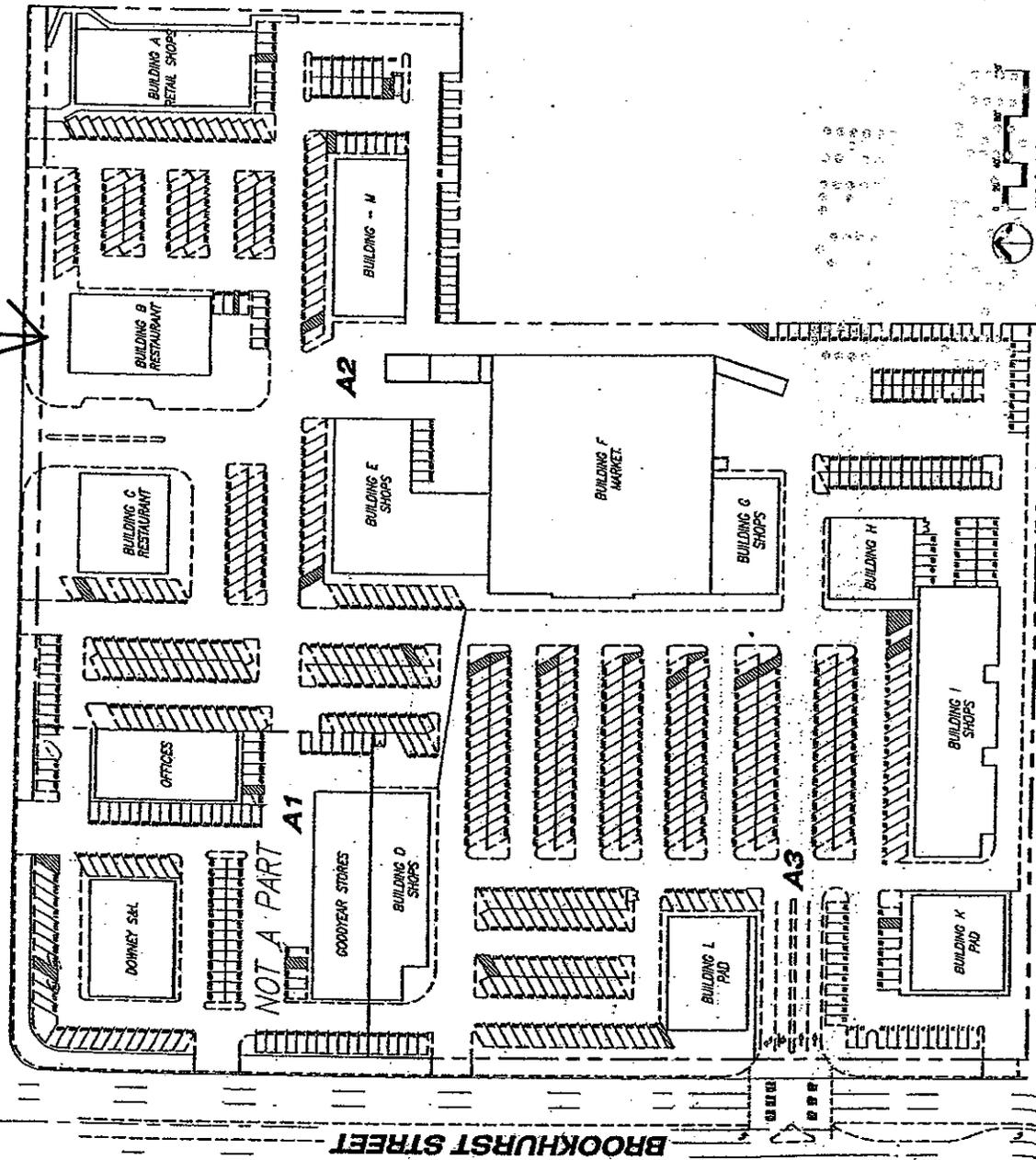
RECEIVED

SEP 07 2005

ADAMS AVENUE

LEGEND:

BUILDING	ADDRESS	TENANT	USE	GROSS AREA
A	10176 ADAMS	LOS PRINCES CANINA	RESTAURANT	1,696 SF.
A	10178 ADAMS	MANA'S SWEETBREAD	RETAIL	1,200 SF.
A	10180 ADAMS	PALM BEACH TANNING	RETAIL	1,240 SF.
A	10184 ADAMS	LYNN YOGEN DANCE STUDIO	RETAIL	2,085 SF.
A	10188 ADAMS	SO. CALIFORNIA MEDICAL ASSOCIATION, ILL	MEDICAL	4,398 SF.
B	10142 ADAMS	LA PETIT PARIS	RESTAURANT	6,308 SF.
C	10138 ADAMS	DEINNY'S	RESTAURANT	5,502 SF.
D	10042 ADAMS	LIVING WATER	RETAIL	1,890 SF.
D	10044 ADAMS	HELP-U-SELL REAL ESTATE	OFFICE	1,060 SF.
D	10046 ADAMS	ANNA'S NAILS	RETAIL	954 SF.
D	10052 ADAMS	VACANT	VACANT	2,074 SF.
D	10054 ADAMS	WMA'S TAILOR SHOP	RETAIL	920 SF.
D	10058 ADAMS	ROYAL DONUTS	RETAIL	2,100 SF.
E	10116 ADAMS	SUPERCENTS	RETAIL	1,400 SF.
E	10118 ADAMS	R CLEANERS	RETAIL	1,400 SF.
E	10120 ADAMS	POSTNET	RETAIL	2,100 SF.
E	10122 ADAMS	H.B. COIN EXCHANGE	RETAIL	1,540 SF.
E	10126 ADAMS	A SHIRINE & SONS JEWELRY	RETAIL	2,010 SF.
E	10128 ADAMS	B PLATINUM PLUS RECORDS	RETAIL	750 SF.
E	10128 ADAMS	H.B. SEWING CENTER	RETAIL	1,190 SF.
E	10130 ADAMS	ADAMS PET CLINIC	RETAIL	1,260 SF.
E	10132 ADAMS	COIN LAUNDRY	RETAIL	2,100 SF.
F	10114 ADAMS	STREER BROS. MARKET	RETAIL-WAREHOUSE	41,075 SF.
G	10110 ADAMS	OCEAN REF TROPICAL FISH	RETAIL	2,000 SF.
G	10112 ADAMS	HALLMARK	RETAIL	3,500 SF.
H	10104 ADAMS	COAST CITIES ESROW	OFFICE	1,750 SF.
H	10106 ADAMS	A/B FAMILY DENTAL	MEDICAL	3,500 SF.
I	10099 ADAMS	H.E. BEAUTY SUPPLY	RETAIL	9,865 SF.
I	10088 ADAMS	BEACHSIDE OPTOMETRY	MEDICAL	2,010 SF.
I	10086 ADAMS	HUNTINGTON FLOREST	RETAIL	1,173 SF.
I	10084 ADAMS	LAMPPOST PIZZA	RESTAURANT	3,492 SF.
I	10078 ADAMS	EGG ROLL KING	RESTAURANT	1,035 SF.
I	10076 ADAMS	SHIMA RESTAURANT	RESTAURANT	2,349 SF.
K	10072 ADAMS	KRAGEN AUTO	RETAIL	7,000 SF.
L	20100 BROOKHURST	CENTURY 21/ FIRST TEAM	OFFICE	7,000 SF.
M	10156 ADAMS	COAST COMMUNITY COLLEGE	RETAIL	3,250 SF.
M	10162 ADAMS	PROPOSED PHYSICAL THERAPY	PROPOSED MEDICAL	3,282 SF.
M	10172 ADAMS	EDGEFIELD REAL ESTATE	OFFICE	2,243 SF.



ATTACHMENT NO. 1.10

S.E.C., BROOKHURST STREET & ADAMS AVENUE
HUNTINGTON BEACH, CALIFORNIA

EXISTING SITE PLAN
BUSINESS PROPERTIES, INC.

KPA ASSOCIATES
CONSULTING ENGINEERS/SURVAYORS/LANDSCAPE ARCHITECTS
4100 Newport Place Drive - Suite 200
Newport Beach, California 92660
Tel: (949) 794-4444
Fax: (949) 794-4444

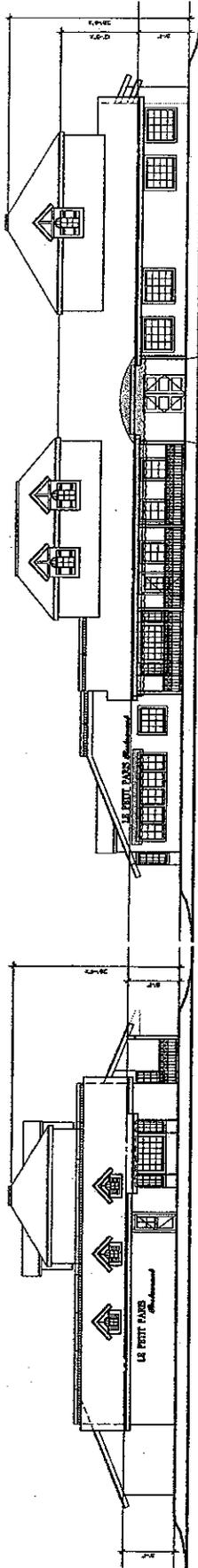
RECEIVED
SEP 07 2005

LE PETIT PARIS RESTAURANT
10142 ADAMS AVE.
HUNTINGTON BEACH, CA 92648
TEL: (714) 593-3346

FLOOR PLAN & ELEVATIONS

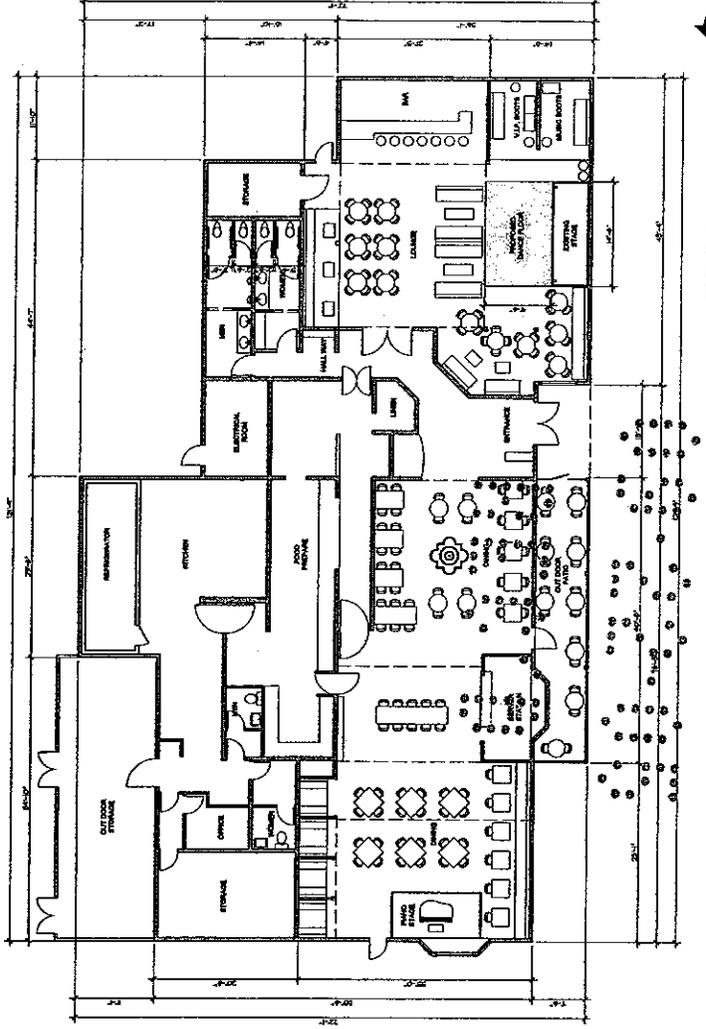
PROJECT	VA
CONTRACT	
DATE	
SCALE	

A-1



EXISTING FRONT ELEVATION
SCALE: 1/8" = 1'-0"

EXISTING LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING FLOOR PLAN
SCALE: 1/8" = 1'-0"

ATTACHMENT NO. 1.11-

www.LePetitParisOC.com

10142 Adams Ave.
Huntington Beach, CA 92646



Restaurant & Featuring The Morocco Lounge

Phone: (714) 593-3346
(714) 593-3276
Fax: (714) 593-3286

Dancing Entertainment Proposal:

In accordance with Le Petit Paris' numerous patrons' requests, Le Petit Paris would like to apply with the City of Huntington Beach for a Conditional Use Permit (CUP) to allow dancing at the Le Petit Paris restaurant. The majority of the dancing would involve some form of ballroom dancing, such as Swing, Tango, Rhumba, and Cha-cha-cha. A small area of not more than 140 square feet is proposed for use as a dance floor in the restaurant. The proposed dance floor area is 9.5 feet long and 14.5 feet wide. Patrons will be able to use the dance area for dancing, entertainment and special events, including, without limitation, swing dancing lessons, birthday parties, wedding receptions, and anniversary celebrations. A stage area of approximately 5 feet by 14.5 feet adjacent to dance floor will be reserved for only singers and musicians providing the live entertainment

Le Petit Paris is located within a shopping center complex on the southeast corner of Brookhurst and Adams Avenue. Le Petit Paris is bounded by restaurants and retail stores to the north, south, east and west, and some residential apartments, condominiums, and single family housing located across Adams Avenue to the north and behind the shopping center to the east. The current hours of operation for the restaurant are Tuesday through Sunday each week from 5:00 PM to 2:00 AM. The normal hours when dancing entertainment is proposed will be from 9:00 P.M. to 1:30 A.M. The proposed CUP is to better accommodate Le Petit Paris patrons, which are comprised of residents and businesses in Huntington Beach and the surrounding areas.

Since Le Petit Paris already has a CUP for providing music and live entertainment, this CUP application is not for music entertainment. This is an application for a CUP to allow the restaurant's customers the ability to dance to the music entertainment that has already been approved. The physical act of dancing itself does not create any noise and should not have any impact on any nearby business or property. The undersigned hereby declare that the project site is not located within a Hazardous Waste and Substance site pursuant to Section 65962.5 of the California Government Code.

LE PETIT PARIS RESTAURANT

VU TRAN
PRESIDENT

6/15/05

RECEIVED
JUN 16 2005

ATTACHMENT NO. 1.12



SEP. 07 2005

CONSULTING ENGINEERS/SURVEYORS/PLANNERS

August 26, 2005

Mr. Charles G. Ball
Business Properties
17631 Fitch Road
Irvine, CA 92623

SUBJECT: UPDATED RESULTS OF PARKING ANALYSIS FOR BUSINESS PROPERTIES' SHOPPING CENTER ON S/E CORNER OF BROOKHURST STREET & ADAMS AVENUE (HUNTINGTON BEACH, CALIFORNIA)

Dear Mr. Ball:

Per the request of Business Properties and the requirements stated in the *Notice of Filing Status* on CUP No. 05-008, dated June 21, 2005, from the City of Huntington Beach Planning Department, KHR Associates, Newport Beach, California, performed an updated parking survey and revised the existing site plan for Business Properties' shopping center on the southeast corner of Brookhurst Street and Adams Avenue in the City of Huntington Beach, California. The original parking surveys were conducted by KHR Associates on April 2nd and 3rd, 2004 and documented in a June 4, 2004 letter report (see attached).

On August 5th and August 6th, 2005, KHR Associates conducted parking surveys of the entire shopping center parking lot on the southwest quadrant of Brookhurst Street and Adams Avenue. The site plan layout was also checked against the current state of the parking lot, and revisions to the plan were made as necessary.

SURVEY PARAMETERS

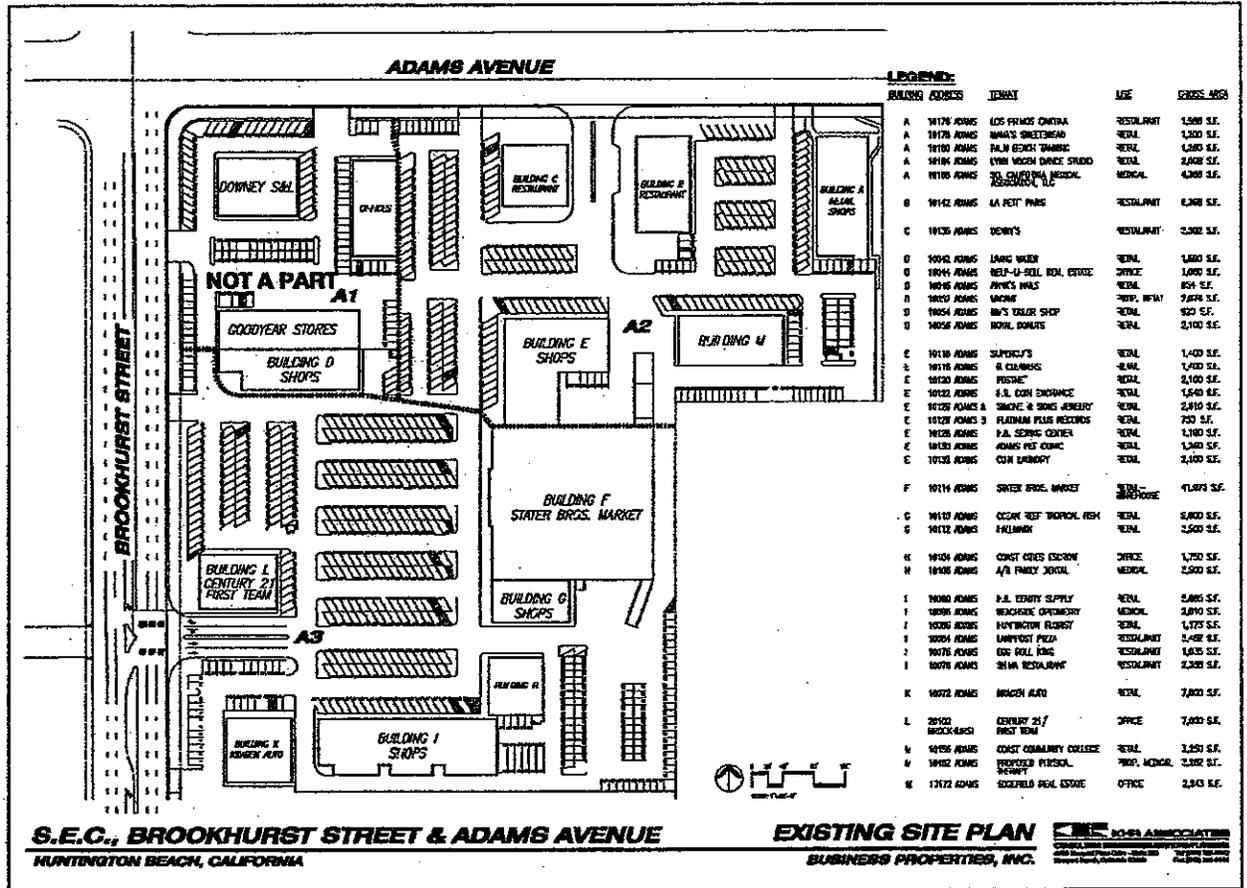
The updated parking survey was conducted between the hours of 10:00 A.M. and 6:00 P.M. on Friday, August 5, and Saturday, August 6, 2005. As recognized by the Institute of Transportation Engineers (ITE) "Parking Generation" manual, latest edition, these hours and days represent the "worst-case" conditions with respect to parking demand generated by a neighborhood shopping center.¹ These surveys were conducted in order to determine the current utilization of available parking spaces by specific areas within the shopping center (e.g., south, middle, and north portions). Documentation of parking utilization was made at 30-minute intervals (representing the typical parking turnover rate within a neighborhood shopping center). A total of 676 parking spaces were identified as belonging to Business Properties' shopping center, with 23 of those being handicapped spaces. The shopping center contains approximately 136,811 square feet of leasable gross floor area. Based on this square footage, the calculated parking ratio is 4.94 spaces per 1,000 square feet of gross floor area.

It should be noted that the Downey Savings, Goodyear Tires, and general commercial buildings located on the southwest corner of Brookhurst Street and Adams Avenue

¹ Institute of Transportation Engineers' "Parking Generation," 3rd Edition, 2004.

(hereinafter referred to as the "corner property") are not part of Business Properties' shopping center, and parking for these buildings is separately provided. However, the corner property shares reciprocal access with the Business Properties shopping center to access their respective parking fields. Thus, the parking survey included a count of parking utilization in the parking field for the corner property. This parking field contains 108 parking spaces. The corner property contains approximately 29,556 square feet of leasable gross floor area.

Figure 1 illustrates the layout of overall parking and access to the Business Properties' shopping center and the corner (Downey Saving) property. The three parking fields included



in the survey are also delineated. A large-size site plan is enclosed herewith.

FIGURE 1 – PARKING LOT SITE PLAN

PARKING CODE REQUIREMENTS

For the Business Properties shopping center, a total of 734 spaces are required per City Code. It should be noted that this total was derived by applying individual parking requirements for each leasable unit, whether currently leased or vacant, cumulatively taking into account use (existing and proposed) and gross floor area. This methodology does not take into account the synergetic interaction of parking utilization within a shopping center (i.e., the "shared parking" effect), and therefore represents a "worst case scenario," with

respect to parking demand. Actual usage is typically much less (as shown in the parking surveys and by empirical data from other studies documented by ITE).

Business Properties proposes to convert 100 square feet of an existing restaurant use in Building B into a dance floor for the restaurant, *La Petit Paris*. The elimination of 100 square feet of restaurant use reduces the total parking required by one space. The addition of 100 square feet of dance floor requires two parking spaces. Thus, the net total requirement for the shopping center as a whole increases by one space. Table I provides a breakdown of the net parking requirements, by general use, within the Business Properties shopping center. It should be noted that the intended uses of currently vacant spaces (e.g., medical use Building M) are also taken into account in Table I.

Table I - Summary of Parking Requirements per Square Foot of Leased Gross Floor Area

Area Use	Total Square Footage	Spaces Per Square Foot Required	Total Spaces Required
Retail	78,114	1/200	391
Warehouse	13,165	1/1000	14
Restaurant	20,201	1/100	203
Medical	13,178**	1/175	76
Office	12,053	1/250	49
Dance Floor	100	1/50	2
Total			735*

* The square footages shown reflect the parking requirement for the shopping center with the proposed dance floor use in Building B of the site plan.

** Includes proposed 3,282 sq. ft. of medical use in Building M of site plan.

PARKING SURVEY RESULTS

The days selected for the parking surveys, Friday, August 5th and Saturday, August 6th, 2005, represent typical shopping days – unaffected by holidays, return to school, special events, or inclement weather conditions, which might otherwise skew the parking data. The results of the parking survey are summarized in Table II.

Table II - Summary of Parking Survey

Parking Area*	Parking Spaces Available	Friday Average Spaces Used	Saturday Average Spaces Used	2-Day Average Spaces Used	2-Day Average % Used	2-Day Maximum Spaces Used	2-Day Maximum % Used	Day Maximum Used
1	108	42	25	34	31%	49	45%	Friday ¹
2	278	80	54	67	24%	91	33%	Friday ²
3	398	167	134	151	38%	186	47%	Friday ³
All	784	289	213	252	32%	326	42%	Friday

* Parking Areas Shown on Figure 1 – Parking Lot Site Plan

- ¹ Area 1: Friday max was 49 spaces at 10:30 A.M. and 4:30 P.M.
² Area 2: Friday max was 91 spaces at 1:30 P.M.
³ Area 3: Friday max was 186 spaces at 2:00 P.M.

As noted in Table II, less than half of the available parking spaces (42% overall) are currently utilized at peak periods (2-day maximum) of parking demand, with Friday generating more parking demand on average (289 spaces) than Saturday (213 spaces). It is also noteworthy that Parking Area 2, which most directly services Buildings B and M, was found to be the least utilized (33% maximum utilization over the course of two days).

These results clearly indicate that the subject shopping center is over-parked by a significant number of spaces. Even when vacancies are taken into consideration, there is ample parking for customers and employees. It should be noted, however, that according to the Institute of Transportation Engineers' Parking Generation manual, adjustments for seasonal variations and occupancies that generate higher parking demand (e.g., during the Thanksgiving to New Years holiday period) could temporarily increase the overall parking demand by as much as 42 percent on selected days. A 42 percent increase in the figures given in Table II does not change the fact that there is more than adequate parking at the subject shopping center. For example, the maximum number of spaces utilized during the 2-day survey period was 326 out of 784 (or 42%). A 42% increase in demand during the holiday period would result in 463 spaces being utilized (or 59%). Thus, a parking surplus of 321 spaces (or 69% of demand) would be available even during the peak holiday period.

ITE PARKING GENERATION

As the surveys presented herein indicate, the City's methodology of calculating parking requirements based on individual uses within a shopping center greatly over-estimates the amount of parking actually utilized. Since shopping center patrons can walk from business establishment to business establishment, the need to provide separate parking spaces for each business is less than if patrons had to drive. The Institute of Transportation Engineers' Parking Generation manual, provides an extensive amount of empirical data regarding shopping center parking.² The formula for calculating average peak period parking demand on a non-holiday season Friday is $P=2.15x + 40$, where P is the number of parked vehicles, and x is the number of gross leasable area (GLA) in 1,000 square feet. The formula for calculating average peak period parking demand on a non-holiday season Saturday is $P=3.37x - 90$, where P is the number of parked vehicles, and x is the number of GLA in 1,000 square feet. By applying these formulas, the calculated average peak period parking demand for non-holiday season Fridays and Saturdays are 334 spaces and 371 spaces, respectively. These results compare closely with the survey results.

IN CLOSING

In closing, if there are any questions regarding these parking study results, or if additional information is desired, please call me at (949) 756-6440.

² Land Use 820, Institute of Transportation Engineers' "Parking Generation," 3rd Edition, 2004.

Mr. Charles G. Ball
August 26, 2005
Page 5

Sincerely yours,
KHR Associates



James H. Kawamura, P.E.
Registered Traffic Engineer No. TR1100
Registered Civil Engineer No. C30560
Professional Traffic Operations Engineer No. 676



**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
1																
2																
3																
4																
5																
6																
7																
8								212								
9																
10																
11		460	X	X	X	X	X	X	X	X	X	X	X	X		
12																
13																
14							308	472								
15		297					943							269	X	043
16																
17												AT5		261		
18												438		460		
19																
20																
21																
22																
23		2V4													041	
24		356													118	
25		385														
26																
27		296														
28		908														
29		818														
H1																221
30																
31		192														
32																
33																
34																
35																
36		049														

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
37					857	784	X	551			500	mom	X		281	X
38	399			781	X		X	X		500			716	X	X	X
39	725				203	X	X	X		980	X			928	X	X
40	454			032	X	X	X	034	X	500	X	NEW	X	108	X	
41	106	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
42	350	X	X	X	061	X	X	X	X	X	X		201		745	X
43	STN			YOG	X	X	147	127	NEW		012	077		201	678	X
44	296			704	X	042	X	157			077	078				
45	804			632	X	198	TIN	X	X	X				484	X	
46				895	081	X	122	X	X	X	X	X		555	130	
47	NEW			370	X	523	X	684			646			NEW	X	X
H2																
48				543	X	X	X		488							
49																
50																
51																
52	991	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
53																
54																
55																
56	NEW	X	X	X	X	X	X	X	X	X	X	X	X			
57	316	X	X	X	X	X	X	X	X	X	X					
58			NEW	X	X	X	X	X	X	X	X	X	X			
59																
60	136	X	X	X	X	X	X	X	X	X	X	X	X			
61																
62	255	X	X	X	X											
63	645	X	X	X	X			645	X	X	X					
64																
65	new	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
66	313	X	X	X	X	X	X	X	X	X	X					
67			NEW	X	X											
68																
69																
70	081															
71																
72				513	X	X	X	X	X	X	X	X	X	X	X	

Brookhurst/Adams
 Parking Count
 Friday - 8/5/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
73								318	X	X						
74																
75																
76																
77																
78																
79																
80																
81																
82																
83																
84																
85																
86																
87																
88																
89																
90																
91																
92																
93																
94																
95																
96																
97																
98																
99																
100																
101																
102																
103																
104																
105				722	X	X	X	X	X	X	X					
106				017	X	X	X	X	X	X	X					
107																
108																
109																

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
110																
111																
112																
113																
114																
115																
116																
117																
118																
119																
120																
121																
122																
123																
124																
125																
126																
127																
128																
129																
130																
131																
132																
133																
134																
135																
136																
137																
138																
139																
140																
141																
142																
143																
144																
145																
146	088	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
147																
148																
149																
150																
151																
152																
153																
154																
155																
156																
157																
158																
159																
160																
161																
162																
163																
164				688	X	X	X	X	X	X	X	X	X			
165	982															
166																
167	451															
168																
169																
170																
171																
172																
173																
174																
175																
176	776															
177	896	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
178						495										
179	060															
H3	090	X	X	X	X	X	X	X	439	X	X	486	397	X	X	X
180	NEW			080	003	X	X	777	X	X	X	990				
181	721	X	X	X	914	352	983	X	965	X	X	X	X	X	X	X
182	996	X	X	X	X	X	X	747	X	X	X	X		788		

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
183		X	X	X	X	X		174	X	X	X					
184	NEW	X	X	X	X	X	X	017	X	X	X	X	X		145	X
185	496		276	X	X	175		617	X		NEW	RCE	X			
186	857				563	443	X	X	X				208	X	X	681
187	910	X	X	X	969								415	X		
188						063	X	X	X	X	X	X				
189	065	X	X	X		848	X	X								687
190				926	X	X	X	X	X	X	X	X		262	X	X
191				280	X	X	X	X	X	X	X	X	X	X	X	X
192						993	X		906		882	536	X	X	X	X
193	111	X	X	X	X	X	X	X			NEW	X	X		683	X
194	BUG	X	X	X	X	X	X	X	X	X	X	X	X		973	X
195	690	X	X	X	X	X	X	049	X	X	X	X	X	X	X	X
196								377	X	X	X				842	X
197						213	X	X	X	X	553					
198			041	X	X	X	X	509	X	X						
199	978	X	X	X	X	X	X	X	X	X						
200			792	X	X	X		594	X	X	X	X				
201			579	X	X	X	867	621								
202	756		400	X	X	207	X						X	X	X	X
203	056	X	X	X	X	X	X	376			424	X	X	X	X	X
H4	664	X	X	X	X	X	X	X	X	X	978	X	X	X	X	NEW
H5	037		HH4	X	X	X	X	X				617	X		X	
H6			871	X	X	X	X	X	942		874		613	356	462	
204																
205			461	X	X		718	402						266		
206	554		456	X	918	976	X	611	022				392			950
207			115	X	424	815	X	X	X	X	X	X	X	X	X	X
208	424	X	X	X	X	X	X	X					343		232	X
209	591		092	X	986	895	X	509						010		
210					453	X	375		421	X	X	X	X	X	X	X
211	941						453	X	X	X	X	X	X	X		
212								X					X			
213						941		X			859	307	X			529
214						759			X					916		
215							199					218				
216			529	X	X	X	X	NEW								264

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
217			975	X	X											
218	252					407	X					634	X	X	X	
219			012	X	X						662					
220																
221	377															
222	749						FRII	X					078	691	X	X
223	BOY		669	X	X											
224				834				652	X			441	X	351	X	
225	906			066					927			NEW			400	
226																
227	933			407	781	850		END	X		540	824	X		144	X
H7					155		690	796	211		93	262	493		694	
H8	284			YBD	X	227	X				734	624	ZYN	819		
H9	703	X	X	X	X	X	X	X			TYN	X	X	X	X	X
228							6PH								022	
229																
230							305							065		
231																
232				889	X	357	X	X						037		ONE
233																
234	445	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
235	840			779	475	489	644	012	X			642	064	424	876	X
236	657		105	X		375	114	050	X			X		873		911
237				566		833	X				408		586	596		303
238	083			X		094	X				799	X				
239						229	X	X						194	X	
240	091	X	X	X				673	X	X						
241				190	X	250	X	X			283		293			
242	719	X	X	X	X	X		027	X			723		566		
243	104						932				796			643		
244																
245	613				665		YAH									
246	651					975	X	X	X	X		995	X	X	X	X
247	COM							NEW	X				721			
248						050					153	X			902	X
249	WFY	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
250				894		AKS	644				00	X	X		435	

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
251	109	X	X	X		888		473	X			334	504	X	852	
252			953	X	533	Y88	X	945	599			164	290	064	472	688
253				173	127	896	X	X		GER		365	OM4	563	X	070
254	002				788	156	X		358	021	THE	871	192		NEW	447
255	951				659	585		TON	166			754	X	415	628	LES
256	036			871	776	894	747	383	582	822	X	X	X	185	FAN	135
257	NEW			203	024	PRP	X	775		048	X	432	X	248	768	064
258	512				578	X	X	RAD	X	994	X	188	NEW		NEW	071
259			655	X		913	180	IM75	383		504			KIM		
260																
261	BOX			065	X	044	X	540	875		068	X	X	WNA		387
262																
263		517	X	X				376	X	X	X					789
264			681	NEW	549	X	642	083	066	X	X		646			048
265			URF	931	135	817	X	P2	300	617	X	X	X	234	870	296
266				978	139		228	797	453	X	X	932	X	212	X	280
267			034	X	196			818	110	012	412	800	X	500	043	X
268	446	X	X	163					553	X	NSW	X	X	311	X	951
269	284	X	X	436				980					034			894
270	880	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
271	709	X	X	515				318	X	X	X	X	X	X	X	X
272																
273																
274																
275	041	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
276		924			857		618	862		745	X		376	X	349	
277	862	103			813			776	412	824		234	296			943
278		NEW	X	X	X		711	077	767		873	599	067		233	683
279		425			793			247	299		484	003	X	441	689	690
280		SUV			666		329	486	UTH	938	X	534	X	833		
281	934				544			455	944	929	X	147	180	231	X	448
282	953	866			462		846	366	NEW	385		947	X	178	593	953
283	752	872			520	476	X	688	486	NEW	X	236	877		902	604
284	559	219			028	067	X	X	103	552	X	X	X	X		239
H10		357			019	659	X	297	918	944	X	643	826		869	276
285	019	969			969		966	549	688	237	X	416		161		914
286	708	317			270		H40	816	466	692	X	X	X	971	026	KAR

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
287	380	429			401		707		564	042	X	575	182	437	X	637
288	362	487			249		077		545	H30		186	NEC	365	X	085
289	559	016			375		523	711	621		815	088	X	533	688	
290	534	874			720	003	X	303	349		580	579	X	590	384	
291	464	NEW			659		870	355	142	704	X	253	437	454	404	
292	648	450	X	X	X				086	600	X	X	333	DJA	938	
293	979	EWA			111				303	183	X	X	NEW	326	605	
294									925	X	530	576		961		
295	765	X														
296																
297																
298																
299																
300																
301																
302																
303																
304									292							
305							X	X			287					
306							X	X	378		745					
307							X					287	X			
308		904			333		4DY			359			NEW	949	CUL	
309		937			661	362	X	195	034		087	RPF	X	804		
310		392			333	932	X	X	236		CME		416			
311		842			GAN		400	359	X		932	X	X	231		
312	417				318		332		606	300	X	504		856		
313	440				149	758	X	869	X	715				481	908	
314		932	X	X	X		256	270			987	354	X	440	144	
315	414	850			471		795	833	155			912		619	231	
316	515	480			372	620	X	544	220	562	X	475	X	622	829	
317	611	364					640	YR	827		429	417	X	850	414	
318	NCR	997			490	244	X			500	X			736	764	
319	207	119			561	485	X	597			535	745		606	590	
320		419			NEW	390	X	410	133					FRI	917	
321	892	748			931		473		519	411	X	X	X	605	750	
322		209			NEW	374	X		381		X			967	587	
323		752			016			554			X	310	X	756		
					RUE				X	X	X	931	X	327	X	

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
324					365		555	634			387	529				634
325							634	310	634			634	X	X	X	398
326		X			626		392	827	X		160	398	X	X	X	
327		590	X	X	X	532	X	X	X	X	X	X	X	X	X	994
328		653					513	X	X	X	X	X	X	X	X	
329		X	X	X	X	798	X		069	X	X					
330		611			937		857	045	080		405	X	X	890	513	X
331		X						839	112	630	X			976		
332		532				081	X	X	179			269	X	900		297
333		X					030		284					476	X	
334		010			600	420	X	X	X	276	X	470	X	420	X	X
335		074				X		052			249			943		ALI
336	450					853		426			287	X				181
H11		813				903	X		722		878			849	475	240
337		137					184	642	841		918			605	553	225
338		250				253	X	596	964	753	X			731	433	429
339		466			X	X	X	X	X	X	X	X	X	X	X	X
340		284					523					936		520	X	
341		771				698	X	X	576	X	X	902	X			
342	ALL	430				471	X			120	X	X	X			
343	101	X			X		164									
344					X	X	X	X	X	X	X	X				
345	196	NEW						438					543	X	X	X
346																
347		184		NEW	X	X	X	X	X	X	X	X	X	X	X	X
348							826	X	X	X	X	X	X	X	X	X
349				398	X	X	X	X	X	X	X	168	X	X	X	X
350				226	X	X	X	X	X	X	X	X	X	X	X	X
351	449	X														
352		959														
353		398		277	X	X	X	X	X							
354		226	X	X	X	X	X	X	X							
355				870	X	X	X	X	X	X	X	X	X	X	X	X
356																
357				543	X		277	X						NEW	X	260
358				625	X	260	X	X	X	X	X					
359	266	X		748	X							116	460			

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
360				637	X	X	X									
361	583			663	X	X		261	X	X	X	X	X	X	X	
362		543						573								
363	625	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
364	934	708											589	X	X	X
365	637	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
366	666	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
367																
368	974	X			611	X	X	X	X	X	X	X	X	X	X	
369		966			983	X	X	046				865			919	
370	371	871	X	X	X	X	X	X	X	X	X	X	X	X	X	
371	577	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
372																
373								543	X	780	X	X	X			
374																
375									GGN	X	X	X	X	X	X	X
376																
377		329						789	X	X	X					
378	095	X		NEW						NEW	X	095	NEW	X		
379																
H12																
380																
381																
382																
383																
384																
385																
386																
387	670	907						630					090	X	X	
388	865															
389																
390																
391						670	X	X	X				333			
392							660	X	X							255
393								X	X				346	X	X	
394							996	X	X	X	X	X	X	X	X	X
395									767							

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	6:30 P.M.
396																
397		X														
398		X														
399							180	X	X	X	X	X	X	X	X	
400						893	X	X	X							
401																
402		X	X	X	X	913	X									
403						283	X									
404		X	X	X	X											
405																
406		X	X	X	X	026	X	X	X	X	X	X	X	X	X	X
407		X	X	X	X											
408																
409				026	X	584	X	X	X	X	X	X	X	X	X	X
410				548	X		559									
411	EES	X	X	X	X	144	X	657	X	X			657	X		
H13	SEE	X	X	X	X	X	X									
H14								568	X	X	X	X	X	X	X	X
412					231	X	X	X	X	X	X	X	X	X	X	X
413	714				366	X	X	X	X	X	X	X	X	X	X	X
414																
415																
416																
417																
H15																
418																
419																
420																
421																
422																
423																
424																
425																
426																
427																
428																
429																

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
430																
431																
432																
433																
434																
435																
436																
437																
438																
439																
440																
441																
442																
443																
444																
445																
446																
447																
448																
449																
450																
451																
452																
453																
454																
455	504	289														
456	915	615														
H16	070	X														
457		169	X	X	X	X	X	X	X	X	X	X	X	X	X	X
458																
459				124	X											
460																
461																
462																
463																
464																
465																

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
466																
467																
468											521	X	X	X	X	X
469																
470																
471				180												
H17	223	X	X	X												
472																
473				286												
474																
475																
476																
477																
478																
479																
480																
481																
482																
483																
484																
485																
486																
487																
488																
489																
490																
491																
492																
493																
494																
495																
496																
497																
498																
499																
500																
501																

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Spaca No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
502			666	X	666											557
503		144	X													
504		444		084											899	X
505		929	X			NEW	X							021	X	X
506			NEW			661									010	X
507		175	X			X		ETI		517						
508		882	094	X												
509		164	X	949			788	X		638						
510		811	X			121										
511		956	325	X	X											
512			432	X												
513		949	160	X		JTX				000	748	X				
514																
515		325													438	X
516						550										
517						ETW										
518		131	X	X	X	X	X					131	X	X	X	X
519		ULA	X	X	X	X	X									
520				656	762	X	X	X								
521			633	932	X	X	X									
522		770	X	X	X	X	X			514	NEW		980		367	X
523		398	X	X	X	X	X									
524			687	270	X	569	X									
525		MVH	X	X	759	X	X									
526		952	X	X	X	X	X									
527		786	X	X	X	X	X									
528		714	311	X	878	412	653	X								
529		530	184	X	488	X	X	X								
530		566	947	238	X	X	123	X								
531		667	X	X	380	564										
532		615	324	227	X	X	X									
533		702	X		N79	898										
534		NEW			787	X	X									
535			572	724	X	X	X									
536		015	X	X	X	X	X									
537					123	X	X									
538																

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
539		899	X	X	X	X	X	X		X						
540			532	X	5XC			216								
541			162	X	921			776			286					
542			X	ANA		733	X	NEC		598					369	
543		926	001	001	195		SUN	X		679						
544			NEW	X	X					241	X					
545			844	X	237	X						MBA				
546																
547		LTC	X	533	X	180	X									
548			NEW		137	X	X				ORT	472	X	X	580	
549																
550			X	X	X	X	X	X		X	X	X	X	X	X	X
551					060											
552																
553						578	X									
554																
555																
556																
557		167	X	X		206										462
558					659	X										243
559					206										742	X
560		442	X	X	X	442	X	X								
561		691	X													
562					BKD	X	X									
563																
564						058	X	X								
565					983	X	X									
566		324	X	X	X	324	X	X		X	X	X	X	X	X	X
567				122	X	X	X							186	230	
568			081			851						213				053
H18		LLE	X	X	X	X	X	X			507	128		397		
569			069		980	X	X			299					943	603
570					298	X	X	X		LLE	X	X	X	X	X	X
571					075	365	867					021				
572					027	X	X									
573			701		807	X										
574		560	270	714	X		NEW									

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
575		142	X	842	X	X	555	521						170		
576		418	206	045	X	X	045	585								
577					072	X	X	X		170	X	X		FXR	X	X
578				530	X	371	X	X								365
579																
580																
581																
582																
583																
584																
585																
H19																
H20																
586																
587																
588																
589																
590																
591																
592																
593																
594																
595																
596																
597																
598																
599																
600																
601																
602																
603																
604																
605																
H21																
606																
607																
608																

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
609																
610																
611																
612																
613																
614																
615																
616																
617																
618																
619																
620																
621																
622																
623																
624																
625																
626																
627																
628																
629																
630																
631																
632																
633																
634																
635																
636																
637																
638																
639																
640																
641																
642																
643																
644																
645																

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
646																
647																
648																
649																
650																
651																
652																
653																
654																
655				543	X	X	X		488							
656																
657																
658																
H22	991	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
659																
660																
661																
662	NEW	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
663	316	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
664			NEW	X	X	X	X	X	X	X	X	X	X	X	X	
665																
666	136	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
667																
668	255	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
669	645	X	X	X	X	X	X	645	X	X	X	X	X	X	X	
670																
671	new	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
672	313	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
673			NEW	X	X	X	X	X	X	X	X	X	X	X	X	
674																
675																
676	081															
H23																
677				513	X	X	X	X	X	X	X	X	X	X	X	
678								318	X	X	X	X	X	X	X	
679																
680					313											

Brookhurst/Adams
 Parking Count
 Friday - 8/5/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
681																
682																
683																
684																
685																
686																
687																
688																
689																
690																
691																
H24																
692																
693																
694																
695																
696																
H25																
H26																
H27																
697																
698																
699																
700																
701																
702																
703																
704																
705																
706																
707																
708																
709																
710																
711																
712																
713																

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
714					180											
715																
716					531											
717			X	X	X											
718		182	X													
719		267	X													
720																
721													721	X	X	X
722		715	X	X	X								HLM	X	X	X
723																
724													013	X	X	X
725						149							520	X	X	X
726																
727																
728																
729		215	X	X	X											
730																
731																
732																
733																
734																
735		985	X	X	X											
736																
737																
738																
739																
740																
H28																
741		850	X	X	X											
742																
743																
744		304	X	X	X											
745																
746																
747																
748		638														
749																

**Brookhurst/Adams
Parking Count
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
750		459			770	691	315	X		601		811	003	X	X	X
751			NEW	X		349	X	X		567			231	X	150	X
752		867				100		197		NEW						
753				174				NEW								
754																
755																
756																
TOTAL	157	194	171	221	277	259	269	267	170	186	215	212	208	201	201	178
% Used	20%	25%	23%	28%	35%	33%	34%	33%	22%	24%	27%	27%	27%	26%	26%	23%

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
37			331	433	X	X	X	X	X	X	X	X	X	X	X	121
38				093				500	X		739	X	X	X	632	X
39	041	X	X	X					QWN	X	X	X	X			900
40				503				X	IFF	318	X				675	
41				MEI	X			935	X		120	X	X			
42									209		287		503		839	985
43			245	NEW				268	X	X	X	231	X	216	X	
44	170	X	X		808	X	X	X		194	876		NEW	X		
45																
46	304	X	078	X	261				160		538			766	X	
47	193	X	796	X	YXH				607	506	335	X	X	X	319	X
H2	392	X	776	X			281		172							
48			788	X	X	PPY	X	X	733		319	X	X	X	BRR	X
49							NEW	X	X	X	X	X	X			
50	041	X							X	X	X	X	X	X		
51																
52																
53	991	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
54			NEW	X	X	X	X	X	X	X	X	X	X	X	X	
55																
56																
57	745	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
58																
59	136	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
60	519	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
61													546	X		
62	586	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
63	452	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
64																
65	776	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
66																
67	060	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
68	306	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
69																
70																
71																
72																030

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
73								221	X							
74							043	307	X							
75																
76										NEW	X					
77																
78																
79																
80																
81																
82																
83																
84																
85																
86																
87																
88																
89																
90	430	X														
91																
92																
93																
94																
95																
96																
97	017	X	X	X	X	X	X	X	X							
98	722	X	X	X	X	X	X	X	X							
99	599	X	X	X	X	X	X	X	X							
100																
101																
102	305	X	X	X	X	X	X	X	X							
103																
104	336	X	X	X	X	X	X	X	X							
105	029	X	X	X	X	X	X	X	X							
106	225	X	X	X	X	X	X	X	X							
107																
108																
109																

Brookhurst/Adams
 Parking Count
 Saturday - 8/6/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
110																
111																
112																
113																
114																
115																
116																
117																
118																
119																
120																
121																
122																
123																
124																
125																
126																
127																
128																
129																
130																
131																
132																
133																
134																
135																
136																
137																
138																
139																
140																
141																
142																
143																
144																
145	166	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
146	088	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
147																
148																
149																
150																
151																
152																
153																
154																
155																
156																
157																
158																
159																
160			899	X	X		201	X	X							
161																
162																
163																
164						549	X	X	X	X	X	X	X	X	X	
165	293	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
166																
167	451	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
168																
169	322	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
170																
171	NEW	X														
172																
173	172	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
174	519	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
175																
176	064	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
177																
178	896	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
179	645	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
H3					293			318	JAX		332	X	X	X	187	X
180	482	X	X	X	42	X	X	X	X	X	NEW	X	X	X	332	905
181	NS	X	019	X	571		030	X	X	X	X	X	X	X	X	
182	030	441	030	X	230					500	059				768	X

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
183			948	X	543	439	X		021	X	X			589	534	X
184	324	X	X	X					798	X			938	X	714	601
185	413	X	X	715	X				645	X			926	X	X	X
186	209	X	X	X	645	X	X	X			159	X	X	262	X	X
187	702	X	X	X	X						505		966	X	X	
188	131						238	NEW		051				433	X	X
189			721	044	351	X	X	X					995	X	X	X
190	044		683	X	X		833	X	683	X			536	X	X	X
191		536	X	X	X	X	X	X		634	X	X	X	X	X	X
192	BUG	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
193	111	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
194	634	X	X	X	X	X	X	X	X	X	X	X	049	X	X	X
195	033	X	X	X			690	X	X	X	X	X	X	X	X	X
196		255			687	X	X	X	X	X	X	X	683	X	X	X
197							680	X	675					254	X	X
198					170	056	X	X	X	X	X	X	X			973
199				974	989		946	035	746	X	X	X	X	X	X	687
200					978	X	X	X	X	X	X	X	X	X	X	X
201					198	X	X	X	X	X	X	X	X	X	X	925
202	150	X	X		932		106	789					874	X	X	394
203	396	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
H4	132	X	X	X	X	X	X	X	X	X	X	X	X	X	X	446
H5			453	X	X	X	X	X	X	X	X	X	X	X	X	X
H6	630	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
204	276	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
205	004	X	X	X	X	X	X	X	X	X	X	X	818	375		
206	402	253	X	X			213	X	389				000	X	X	X
207	811	X	X	X				205	X	X	X					
208	495	X	X	X	098	X	X	X	701	X		059		197		241
209	320	X		232	X		815	689	935				709	X	703	
210	056	X	X	X	X		972	X	X	X	X	X	X	X	X	X
211	544	X	X	X	X	664	X	X	X	X	X	X	X	X	X	636
212			743	X	X		866	X	X	X	X	X	X	X	X	X
213			221	127			743	X	X	X	X	X	X	974	X	X
214				538	X		177	X	X	X	444	432	X	X	X	X
215	WYF	X	X	X	X	X	X	X	X	X	X	X	X	100	X	709
216				664			949	X	X	X	X			639		

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
217		070	X	X	X	X	X	X	X	X	X	X				432
218	TXN	X	X	X	X	X	X	X	X						106	X
219	746	X	X	X	X	X	X	X	X					447		
220	012	X	X	X	X	X	X	X	X	X	X	X	926		751	X
221	SUE	X	X	X	581						599		643	X	X	X
222	791	X	X	X	X	X	X					NEW				
223		017	X	X	X	X	X	NEW	X	X	X	X				
224			046	X	X	X	X	X		352						
225			013	129	740		NEW							NEW		719
226																
227	656	048	X	974	X		784	NEW	X						X	202
H7	972	X	006				548	X	X						606	
H8	472	X	X	040						857		X	X			
H9	548	X	X	X	X					548		X	729	X		
228				376			X	X								
229	139	X	712						245						537	173
230																
231	168	UM4	925	479		616	X	X	164		518	008	570			824
232	568	X	BGY	X	927		856	X	447	X	X	X	X	X	X	X
233	129	X	225	X			713	X	424	X		525		SEG		278
234		057	170	898	X				980			159	NEW	200		933
235	288		630	862			799	X	404			158				233
236				ACH	018								171			544
237	091	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
238					013				997							
239																
240	355			900	X	X	X	X	X	X	X	X	X	X	X	607
241																
242		026														
243	682	X	X	X	X	X	X	X	272	X	X		HOT	X		017
244	740	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
245			507		MR	X	X	X	X					640	X	X
246			231		501		019					104	X	400	X	X
247												041	X	X	X	
248	050	X	X	X	X	X	X	X	X			911	071	X	956	X
249	041	X	X	X	X	X	X	X	X	X	X	796	941		963	041
250	100	X	X	303	670				260	X	X	256	456		662	050

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
251	NEW	109	X	X	X	X	X	624	YEST		TWO		734			660
252	447	724	721	702				132	459			553	799	X	426	380
253	505	X	944		116			712	WRF	033			336	648	640	397
254	165	768						745	196				816	049	126	X
255		333	571		529			203	168					395	299	X
256		957	X	637	826	X		TFL	X	683		112	X	519	X	410
257	MP	244	931	X	378				469	913						
258																
259	717	X														
260	176	334	641	X	X				IEE	431	157	501	805	225		717
261	254	X		888		482	X	X	373	682	326	373	805		406	X
262	491	X	964	021	X			457	X	222	789	X	X	661	710	X
263		369	541							854	F4L			285	143	687
264			014		732	221	X	261	X	BAD	281		845	091		
265		491	X	021		291		132			024		720	X	571	709
266			KAS			204	X	ROZ	589			733		374	677	X
267	984	X	196		711			381	642		283	313	665	937	916	466
268		880	274				386	X	170		996			819	882	007
269						379						059	X	X	X	X
270		384	496	X	400	X							420		956	X
271	284	X	X	X	X	X	X	X	X	X	X	175	826			
272	880	X	X	X	X	X	X	X	X	X	X		290	X	X	X
273	709	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
274	348	X	X	X	009	X	X	X	X	X	X	X	X	X	X	X
275	219			884	X	221	X		737				823		FX3	X
276			029	X	X	306	X	793	710			800			440	904
277	002			456	X	734	X		558			614	X	X	826	X
278	NEW	X	606	X		818	324	X	571			331		760	703	996
279			NEW	278	X	842	X		X62	X	296	CMID	X		366	
280		975	960	X	713	088	443	489	X	711	160	460	NEW	X	X	X
281			URF	351		625	X	212	X	X	604	X	471	X	761	X
282	NEW		016	X		323	716	641	499	077	098	X	038		347	X
283	872	207	397	041	006	185	X	344	429	NEW	022			239	873	913
284				360	310	628	REA	X	978	809	577	916	059	861	580	420
H10		757	849	NEW	X	391	574	FL9	X	508	003	117	X		546	755
285	710		281	136	229		662	X		642	398	713	X	046	861	380
286	218	X	X	X	X	X	X	X	X	X	X	379	X	235	221	013

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
287	817	102	321		505	X	091	MO2		419	319	494	652		091	X
288	069	NEW	710	X	X	X	X	X	X	X	642	X	066		875	X
289	470	741	832	442	966	X	096	764	X	014	848	616	604	X	764	NEW
290	975	377	852	BUS	732	176	X	470	X	593	874	273	X	594	906	
291	749			800	911	164	772	273	EDO	571	273	X	366	414	850	220
292	262	X	006	330	720	313	431	X	202	038	RKR	531	X	899		113
293					471	X	X	X	X	X	X	X	X	732	301	702
294																
295																
296																
297																
298																
299																
300																
301																
302																
303																
304								939					028		165	X
305			848			266	151				912			912	111	
306			313	X	X	409	065	840	X					713	521	233
307			343		430	275	XIB		876	X		805	286	882	FYI	702
308	995	X	334	X	X	X	223	649	X	399		378	782	127	974	X
309	805	349	335	X	X	094	103	939	577	X	745	991	X	301	638	NEW
310	130	780	345		210	410	108	004	725	X		789	114	X	X	X
311	313	534	620	679	780	094	493	X		945		402	771	090	768	037
312	MAL	611	X		103				073	340	041	NEW	985	X	832	641
313	963	441	727	X	255	NEW	873	824	X	015	381	076	NEW	871	151	355
314	944	128	321		634	382	221	363	374			381	882	223	872	697
315		851	117	224	634	040	241	X	208		061	382	401	134	940	453
316		705	048		537	X	762		339	013	448	524	610	428	738	562
317		166	X	697		137	IME			670	541	363	162	464		213
318	179	662	837	855		977	NEW	939	X			985		NEW	372	
319	NEW	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
320			481	Z							960					
321		908	X	378			685			707		995	642	108		
322	905		546	X	X	X		759	618	FSS			223	627		
323	034		680	319				705		705	X				792	X

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
324	513	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
325																
326	611	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
327	364	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
328	NEW	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
329	446	X	988	X	X	MNE		786	577	X		186	X		403	
330			X	X			367	X	X	X		730	X	930	GRT	X
331	486	X	532	X	X	562	X	X	X	X	X	X	X	X	X	X
332		137										338	X	001	453	X
333			734		644								004	X		
334								448	X		797	730	X	031		619
335		FST		700								369	X	462	X	190
336			VZA		390						218	297	12D	644	X	710
H11									NEW	167		424	X	X	X	X
337		076	073	X	MAC		220	765	096		680		404	261	139	006
338	201	187	X	X	X	978	X	X	X	894	388	074	NEW	458	052	WVLS
339	634	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
340	101	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
341	637	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
342							561	X	415	X		201	X	X	X	X
343														324		
344	491	X	X	X	X	X	X	X	X	X	X	212		NEW		
345														382		
346	449	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
347	249	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
348				669	X	X	X	X	X	X	X	X	X	X	X	X
349	827	X	X	702	X	X	X	X	X	X	NEW		NEW	X		
350	391	X	X	X	X	X	X	X	X	X	088		088	X	X	X
351																
352	669	X	X	NEW	X	X		301					164	X		
353	666	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
354						955	X	X	X	X	X	X	X	X	X	X
355	891	X	X	X	X	X	X	X	X	X						
356		958	X	X	X	X	X	X	X	X						
357						F51										
358	543	X	X	X	X	NEW	X	X	X	X	X	X	X	X	X	X
359														302	NEW	X

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
360	625	X	X	X	X	X	X		112	X	X	X	X	X	X	X
361									626	X	X	X	X	X	X	X
362	226	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
363	680	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
364																
365																
366																
367																
368	407				190	780			060	763		260		629		
369						577	X	X	X	X	X	X	X	X	X	X
370	371	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
371	577	X														
372							260	X	X	X	X	X	X	X	X	X
373						996								GGW		
374										707	X	X				
375		NEW	X	X	X				819	X	X					
376			055	X	X	X	X	X	X	X	X	X	X	X	X	X
377	767	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
378		995	X	X	X	X	X	X		843	X					
379		FEJ						095	X	X	X	X	X	X	X	X
H12																
380										695	X					
381	035	X	X	X	X	X	X	X	X	X	NEW					
382																
383		734	X	X	X	X	X	X	X	X	X	X	X	X	X	X
384																
385																
386	238	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
387	670								758							
388																
389																
390																
391	772		696													
392	021															
393		488	X	X	X	X	X	X	X	X	X	X	X	X	X	X
394			356													
395	NEW		826		218	994			347				371	X		

Brookhurst/Adams
 Parking Count
 Saturday - 8/6/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
396														986		
397						371		660								
398														DCF	X	X
399	180	X			612	180	X	X								
400	223															
401	893	X	X	X	X	X	X	X	X	X						
402																
403					112											
404			X	X	X	X	X	X	X	X	X	X	X	X	X	X
405										NEW	X	X	X	X	X	X
406	NEW				314				584	X	X	X	X	X	X	X
407						780	X	X	X	X	X	X	X	X	X	X
408		005	X	X	X	X	X	X	X	X	X	X	X	X	X	X
409		NEW	X	584	X	846		225	X	X	X	X	X	X	X	X
410																
411																
H13				703								377	X			MOE
H14	692	X												003	X	X
412	072	X											426			475
413																
414	575															
415	160										544	X		567	X	
416														807	X	602
417																
H15																
418																
419																
420																
421																
422																
423		115	X	X	X	X	X	X								
424						new	X						042	X		
425						new	X									
426						new	X								060	
427							X					651	X			
428																
429		573					187									046

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
430		701	X	X	X	X	X	X	X	X	X	X	X	X	X	X
431							295	X	X	X	X					
432		436	X	X	X	X	X	X	028	X	X	X	X	X	X	X
433		808					X		751	X	X	X	X	X	X	X
434		622	X	X	X	X	X	X	X	X	X	X	X	X	X	X
435		914	X	X	X	X	X	X	X	X	X	X	X	X	X	X
436		610	X	X	X	X	X	X	735	X	X	X	X	X	X	X
437		202	X	X	X	X		202	X	X	X	X	X	X	X	X
438		238					X	X	X	X	X	X	X	X	X	X
439		867					X	X								
440							238	X	X	X	X	X	X	X	X	X
441		882	X	X	X	X	X	X	X	X	X	X	X	X	X	X
442		459	X	X	X	X	X	X	X	989						
443		078	X	X	X	X	X	X	X	X						
444		454		509	X	X	X	X	X	X	X	X	X	X	X	X
445		232		000	X	X				823		new				
446										661						
447		606					890									
448										762						
449		028	X	X	X	X	X	X					071			
450																new
451														794		
452		896	X	X	X	X	X	X	X	X	X	X	X	X	X	X
453		105	X	X	X	X	X	X	X	X	X	X	X	X	X	X
454		261		377	783					677	X	X	X	X	X	X
455		145						261	X			145	X			
456		407	X	X	X	X	X	X	X	X	X	X	X	X	X	X
H16							182									
457		062	X	X	X	X	X	X	X	X	X	X	X	X	X	X
458																
459		438	X	X	X	X	X	X	X	X	X	X	X	X	X	X
460		620	X	X	X	X	X	X	X	X	X	X	X	X	X	X
461								591		004	X					
462		600	X	X	X	X	X	X	X	X	X	X	X	X	X	X
463																
464													880			142
465		260														

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
466					X		X	X	X	X	X	X	X	X	X	X
467		730							610	X	X	X	X	X	X	X
468		043		688	005		840		668				799	new	026	105
469		073			016			923		487	604		958	419		
470		345		028			423		660	204					867	268
471		new		204	593		445	X		480	777		303	829	073	
H17					024	309								400		
472														527	X	
473									401							
474												427	X	X		
475				330	X		X		new	X	X	X	X	X		
476		089					318	X	X	X	X	X	X	X	X	X
477		243	X	X	X	X	X	X	X							
478				720	X	X	X	X		192	X	X	X	X	X	661
479		370	X	X	X	X	X	X	X	X	X	X	X	X	X	042
480		newX	X	X	X	X	X	X		039	X	X	X	X	X	X
481															651	X
482		658	X	X			738	X	X	X	X	X	951		new	X
483		597			658X	X	X	X	X	X	951			810	X	
484																
485		706	X	X	X	X	X	X	X	X	X	X	X	X	X	X
486		688	X	X	X	X	X	X	X	X	X	X	X	X	X	X
487				new	X				new	X		new	X			
488									new	X					105	X
489																
490						new						new	091	X	X	X
491		new	X	X	X										291	X
492					X	X	X	X	X	X	X	X	X	X	X	X
493				503	X	X	X	X	X	X	X	X	X	X	X	X
494																
495																
496																
497		393	X	X	X	X	X	X	X	X	X	X	X	X	X	X
498		new	X	X	X	X	X	X	X	409					510	X
499		303	X	X	X	X	X	167								
500						310										
501																

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
502																
503				611	X	X	X	X	X	X	X	X	X		423	
504																
505									728							
506		new	X	X	X	X	X	X	X	X	X	X	X	X	X	X
507								778								
508																
509																
510																
511		138	X	X	X	X	X	X	X	X	X	X	X	X	X	X
512							111									
513																
514		694	X	X	X	X	X									
515		434	X	X	X	X										
516				422												
517					668	X		434	X	X	X	X	X			
518					568				753	X	X	X				
519		626	X	X	X	X	X							864		
520		519	X	X	X	X										
521		684						203								
522		395	X	X	X	X	X	689	X	X	X	X	X	X	X	X
523		571	X	X	X	X	X	X	X		547	X	X	X	X	X
524				837	X	X	X	X	X		935	830	X			
525										478			698	X	X	X
526		230		.024	X	X	X	X					371			
527		391			536	X	X	X	X	X	X	X	X	X		
528		506		289	X	X						607	391			
529				new				067	X	X	X	X	X	X	X	X
530		977	X	X	X	X	X	X	X	X	X	X	X	X	X	X
531																
532																
533																
534																
535																
536																
537																
538																

Brookhurst/Adams
 Parking Count
 Saturday - 8/6/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
539																
540																
541	618	x	x	x		169	x	x	x	x	x	x	x	x	x	x
542	427	x	x	x												
543																
544																
545			124	x	x	x										
546																
547																
548																
549																
550														501	x	x
551	303	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
552																
553																
554	712	706	x	x	x	x	x	x	x	x	x	x	x	x	x	x
555													994	422		
556												332	x			
557																
558	352	x	x													
559											216					
560		088	x	x	x	x	x	x	x	x						
561																
562																
563	393	x	x	x	x	x	x	x	x	223	x	x	x	420	x	x
564																
565																
566	753	x	x	x	x	x	x	x	x							
567																
568	672	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
H18	190	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
569																
570										818			SR6	021	787	x
571													478	x	x	x
572										431						
573																
574	970	x	x	x	x	x	x	x	x							

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
575										371						
576																
577																
578	NEW															
579																
580																
581										252						
582																
583																
584																
585	811									180						
H19		794														
H20																
586	175	X	X	X	X	X	X		308				487	X	X	X
587		126	X	X		695			972				703	X	X	X
588	487	X	X	X	X	567	X	X		483	X			X		
589	483	X	X	X	X	X	X	X	X	X						
590	494	780	X	X			571	X								
591	174	X	831	X	X		980	X	X							
592	020	X		204												
593																
594																
595																
596		569														
597	018															
598																
599	770	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
600	VLA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
601				688	X	969				930		NEW	X		OR7	
602			HNO	X	X	702			142	160	X	035	X	X	X	
603		000	X	X	X	X	X	X	X	X	X	X	X	X	X	X
604		589	X				454		128	180	X	X	899	508	X	X
605	952	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
H21	428			470												
606	606	X	594			790		978	X	708	CJO		175	NEW	907	
607		158	539				222	778	838	217	688	239	259	762	096	
608		995						551	X	BAK	135	NEW	X	021		

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
609			901		115	X	X	X	X	872	818	X	544	552		
610		704	X					569	466	467	X		NEW	GET	314	
611	000		SHE				845	471	142	VAL		391		052		
612			342					475	X		HOW	397	717		174	
613			366			535	X			099	X	399		353		
614		784	X												367	
615					198		X	X	X		050					
616								LOL			337			862		
617																
618	475	X	955	X	X	779	X	X						663		
619	845	X	X	X	X		601	X						435		
620	319	683	X	X	X		465	X						667		
621		516		513	X	160		111						531		
622	557	618	916	X	X	446								229	X	NEW
623	987	671	X	XX668												334
624			407								546				337	X
625																
626		547													631	X
627																
628																654
629	793	X														
630	431	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
631																
632	555	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
633								881								
634				173				3KR								
635																
636																
637	588	X	X	X	X	X	X	X	X	X	027	X	X	X	X	X
638							569	X								359
639	700	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
640	NEW	X	X	X	X	X	X	X	X	X	X	X	X	X	X	NEW
641																
642						659	X	X	X							
643																
644											835				830	
645					337	X	X			201	427					

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
646					150	X	X	X	X	X	X	X	X	X		
647													389	X		515
648	LLE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
649				663	317	X	X	X	X	X	X	X	843	DAY		
650				771	636	X	X	X	X	X	X	X	725			201
651					863	X	X	X	X	193						
652									013	X	X	X	X			359
653			X		359	X	X	X	X	X	X	X	X	X	X	X
654			X	X	X			343								609
655			X	X	985	X	X	X	X	X				561		N55
656	467	941	X	X	X	X	124	X					640			921
657		806	X	X	S42	X	X	X			001					
658	534						546	X	799	X	X	X	X			
H22																
659			X	X	X	X	X									
660	833	X														
661																
662																
663																
664																
665				NEW												
666																
667																
668																
669																
670																
671																
672																
673																
674																
675																
676																
H23																
677																
678																
679																
680											180					

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
681	327	X	X	X	X	X	X	X								
682																
683																
684																
685																
686									668	X	X	X	X	X	X	X
687	379	X	X	X	759	X	X	X	X	X	379	X	X	X	X	X
688	813	X	X	X	X	X	X	X	813	X	X	X	X	X	X	X
689	924	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
690																
691	NEW	X	X	X	X	X	X	X	X	666	X	X	X	X	X	759
H24			392											079		X
692																
693																
694																
695																
696																
H25																
H26																
H27			435										289	X	X	X
697	878	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
698	881	X	995	X	X	X	X	X	X	X	X	X	X	X	X	X
699	050	X	X	X	X	X	X	X								
700				573												
701																
702																
703																
704	758	X	X													
705																
706																
707																
708		393	X	X										213		
709			969	X	X	X	X	X	X	X	X	X	X	X	X	X
710																
711																
712																
713					202	X	X	X	X	X	X	X	X	X	X	X

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
714																
715	HAO	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
716	596	X	147	X	X	X	436	X	596	X	X	X	X	X	X	X
717																NEW
718	348						X	X	X	X	X	X	X	X	X	X
719																148
720														721	X	X
721	715	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
722	985	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
723														013	X	X
724									956							
725																
726									X	X				390	X	
727	408	X	X	X	X	X	X	X	X	X	096	X	X	349	X	X
728				215	X	X	X	X	X	X	X	X	X	X	X	X
729																
730																
731																
732																
733															657	X
734														241	X	X
735																
736																
737																
738																
739																
740																NEW
H28																
741																
742				112												
743																
744							X	X	X							
745	850	X														
746				X	X											
747		365	935	X	X	X	X	X	X						004	
748		225	X												935	X
749									785					NEW	X	

**Brookhurst/Adams
Parking Count
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
750																
751																
752		V3R	X		X	X	X	X	X						362	X
753		513	X						425		992			831		
754									NEW	160				521		
755						206	X	X	868		610	SUX	X	082	151	X
756				359					393	X	941			113	X	
TOTAL	220	304	304	304	303	282	303	314	307	271	272	259	295	303	286	278
% Used	28%	39%	39%	39%	39%	36%	39%	40%	39%	35%	35%	33%	38%	39%	36%	35%



CITY OF HUNTINGTON BEACH

2000 MAIN STREET
P.O. BOX 70

POLICE DEPARTMENT

CALIFORNIA 92648
Tel. (714) 960-8811

Kenneth W. Small
Chief of Police

ENTERTAINMENT PERMIT

THIS PERMIT ALLOWS ONLY THE ACTIVITY SHOWN BELOW BY THE PERSON OR PERSONS TO WHOM THE PERMIT IS ISSUED. THIS PERMIT IS NOT TRANSFERABLE.

ISSUED TO: **LA PETITE PARIS RESTAURANT**
10142 Adams Ave.
Huntington Beach, CA 92646

Effective Dates: **June 1, 2005 through June 1, 2006**

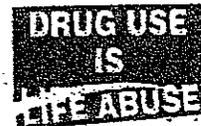
CONDITIONS:

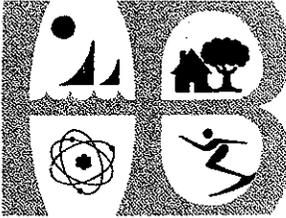
- Hours of Entertainment: Sunday through Thursday: 9:00 PM to 1:00 AM
Friday to Saturday: 9:00 PM to 1:30 AM
- Types of Entertainment: Amplified, and non-amplified, limited to a solo performer or entertainer, not otherwise prohibited or regulated by City Ordinance or City Permit Process, or any conditions set forth by the ABC, is approved.
- No dancing.
- Alcoholic drinks shall not be included in the price of admission. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
- Entertainment will not be audible beyond 50 feet of the business in any direction. (HBMC S.40.112)
- All exterior doors and windows shall be closed during times of entertainment. All entertainment must remain inside the establishment at all times.
- Security Guards: At least 4 when entertainment is present. Two guards must be in the parking lot adjacent to Moulin Rouge at all times during entertainment. The guards must be clearly identifiable as a security guard and possess a valid Guard Card from the State of California.
- This permit is valid only when used in conjunction with a valid Conditional Use Permit allowing entertainment at the premises.
- This permit must be posted in a conspicuous place on the premises described above.
- Calls for Police service at your establishment deemed excessive as described in 5.44.050 HBMC, as well as any violations of your A.B.C. License or Conditional Use Permit, can result in the suspension or revocation of your Entertainment Permit.
- Per section 5.28.030 HBMC, no person conducting, maintaining or carrying on a business, or having charge or control thereof, which permits entertainment to be allowed on its premises, shall permit to be admitted on such business premises any minor under the age of twenty-one years, if any alcoholic beverages are consumed, dispensed or sold on the premises, unless the minor is accompanied and under the care at all times of his parent or parents or legal guardian.
- Must obey all state, local, and municipal laws, including, but not limited to, the "No Smoking" statute under Labor Code 6404.5.

You have the right to appeal the conditions on this permit to the City Council in the manner provided by Section 248.02A of the Huntington Beach Zoning and Subdivision Ordinance; except that the written appeal must be filed with the City Clerk within five (5) days of service of this written notice.

ISSUE DATE: June 15, 2005

Kenneth W. Small
Chief of Police





City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540
374-1648

September 28, 2005

Vu Tran
10126 Towneway Drive
El Monte, CA 91733

**SUBJECT: CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING)
DEVELOPMENT AND USE REQUIREMENTS**

Dear Mr. Tran,

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 preliminary list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project changes 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.

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 714-536-5561 and/or the respective source department (abbreviation in parenthesis at end of each condition – contact person below).

Sincerely,

RON SANTOS
Associate Planner

Enclosure

cc: Gerald Caraig, Building and Safety Department – 714-374-1575
Eric Engberg, Fire Department – 714-536-5564
Herb Fauland, Principal Planner

Business Properties
17631 Fitch
Irvine, CA 92623

ATTACHMENT NO. 1.63

**DRAFT CODE REQUIREMENTS, POLICIES, AND STANDARD PLANS OF THE
HUNTINGTON BEACH ZONING & SUBDIVISION ORDINANCE AND MUNICIPAL CODE**
(September 29, 2005)

PROJECT: LE PETIT PARIS DANCING
ADDRESS: 10142 Adams Avenue

The draft list is intended to assist the applicant by identifying a preliminary list of code requirements applicable to the proposed project, which must be satisfied during the various stages of project implementation. Any conditions of approval adopted by the Planning Commission would also be applicable to your project. A final list of requirements will be provided upon approval by the applicable discretionary body. If you have any questions regarding these requirements, please contact the Project Planner and the applicable Department Representative.

CONDITIONAL USE PERMIT NO. 05-08:

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design.
2. Prior to commencing dancing, the following shall be completed:
 - a. The applicant shall file an application to amend the restaurant's entertainment license in order to allow dancing, consistent with Conditional Use Permit No. 05-08. A copy of an approved, amended 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.
 - b. An amended Certificate of Occupancy shall be obtained from the Department of Building & Safety. A detailed, fully-dimensioned floor plan, consistent with the floor plan approved in conjunction with Conditional Use Permit No. 05-08, shall be submitted with the Certificate of Occupancy application.
3. The use shall comply with the following:
 - a. Only the uses described in the submitted narrative shall be permitted.
 - b. Any increase in occupancy loading shall require separate review and approval by the Fire Department. (FD)
 - c. All required paths of egress shall be maintained clear during times of live entertainment and dancing. (FD)
4. The Planning Director ensures that all requirements herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan and/or floor plans are proposed. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
5. 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.

6. Conditional Use Permit No. 05-08 shall not become effective until the ten calendar day appeal period from the Planning Commission's approval of the entitlements has elapsed.
7. Conditional Use Permit No. 05-08 shall become null and void unless exercised within one year of the date of final approval which is October 11, 2005, 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.
8. The Planning Commission reserves the right to revoke Conditional Use Permit No. 05-08 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.
9. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
10. The applicant shall submit a check in the amount of \$43.00 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 Planning Commission's action.

B-2. CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING):

Applicant: Vu Tran **Request:** To permit a 140 sq. ft. dance floor in conjunction with an existing restaurant/nightclub and a one-space reduction in required parking pursuant to the provisions of HBZSO Section 231.08(B) – Reduced Parking for Certain Uses. **Location:** 10142 Adams Avenue (southeast of the Adams Avenue/Brookhurst Street intersection). **Project Planner:** Ron Santos

STAFF RECOMMENDATION: Motion to: “Approve Conditional Use Permit No. 05-08 with findings and suggested conditions of approval.”

Ron Santos, Associate Planner, identified a late communication dated August 6, 2004 titled, *Moulin Rouge Entertainment Permit Revocation*, and an email communication dated October 10, 2005 titled, *Petit Paris Dancing*. He also informed the Commission that he received one call in support of the item, and one call with general questions. He also provided a staff report and PowerPoint presentation.

Commission Disclosures: Commissioners Dwyer and Scandura spoke with their Council representatives; Commissioners Dwyer, Scandura and Ray spoke with staff; Commissioners Scandura, Dingwall, Burnett, Horgan and Ray visited the site; Commissioner Scandura spoke with a Le Petit Paris employee; and, Commissioner Burnett visited the surrounding neighborhood.

Commission questions/comments included:

- Discussion on Land Use Elements (Policy LU 7.1.1, Objective LU 7.1 and Goal LU 11)
- Compatibility issues (parking, noise, outdoor lighting) affecting the surrounding residential
- Dance floor square footage
- Parking study results
- Past Police Department violations
- Hours of operation versus hours allowed for dancing
- Unpaid fines
- Existing conditional use permit/entertainment permit requirements
- Soundproofing

THE PUBLIC HEARING WAS OPENED:

Steve Stafford, Estate Circle, spoke in opposition to the item, voicing concerns related to parking and dance floor square footage. He made reference to a similar establishment in Newport Beach and recommended stronger regulations and enforcement by Police and Code Enforcement.

Dai Phung, Lawson Lane, spoke in opposition to the item. As a Meredith Gardens resident, he described his experiences with the nightclub involving noise and inappropriate behavior by patrons late at night. He stated he would consider selling his house if the request for a dance permit was approved.

Dalena Morton, Le Petit Paris, spoke in support of the item. She stated that the Le Petit Paris has been operating without a police-related incident for the past five months and described the club's interior as elegant for fine dining, and that

she hopes to attract a refined clientele and hold wedding and anniversary celebrations. She also described the insulated walls that prevent noise from escaping, and informed the Commission that the Chamber of Commerce endorses the business.

Bill Pham, applicant, spoke in support of the item. He addressed concerns about the establishment's potential to become a nightclub. He described his intentions to hold wedding and anniversary parties, and his hopes for a long-term business relationship and good reputation with the surrounding community. He also described the soundproofing material installed to prohibit noise from escaping.

Commissioner Dwyer asked if the entertainment permit regulates live music. Mr. Pham confirmed.

Commissioner Dingwall asked about the type of music played at the Le Petit Paris. Mr. Pham described it as a keyboard player with computerized background music, with the bass controlled by an acoustic engineer.

Commissioner Burnett voiced concerns about past fines remaining unpaid. Mr. Pham explained difficulties in receiving certified mail, and provided assurance that the issue would be resolved.

Commissioner Burnett addressed the disturbances described in the late communication received by Police Chief Small, including police related calls for service involving loud music, intoxicated patrons, assaults and other miscellaneous complaints. Chief Small reminded the Commission that no police activity has occurred on the site during the past 5 months.

Mr. Pham explained the events and efforts to prohibit fighting. Chair Ray asked if Mr. Pham hires trained, professional security guards to handle intoxicated patrons and fights. Mr. Pham replied in the affirmative, also stating that changes have occurred due to the type of patrons who visit the new, upscale environment.

Mr. Ray asked Mr. Pham to explain his plans on policing the dance floor. Mr. Pham described his plans for security and clearance from the location of tables and chairs to the proposed dance floor.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Commissioner Dingwall asked Fire Marshall Engberg to comment on the 3-foot dance floor apron for service staff to maneuver through. Chief Engberg stated that a 3-foot apron meets minimum requirements, and that the dance floor would be monitored for number of occupants, etc. through annual inspections.

Commissioner Dingwall asked Police Chief Small if the greatest number of complaints occurred during late night hours. Chief Small replied in the affirmative, describing the calls as a combination of parking lot/restaurant complaints, and stated that the applicant has remediated noise problems in the parking lot.

Commissioner Scandura suggested that the dance floor be delineated, and a 6-month review period be added to the conditions of approval. Commissioner Dwyer agreed.

Commissioner Burnett asked previous speaker Mr. Phung if the noise levels had decreased over the past few months. Mr. Phung said conditions had improved, however the bass level from the music instrument needs to be addressed.

Chief Small suggested that the conditions of approval reference Municipal Code Section 5.44.090 - Revocation and/or Suspension of Permit, and explained that the owner will have to modify his entertainment permit for dancing and security guards.

Chair Ray discussed regulating dance floor hours to live entertainment and voiced concerns about a reduction in parking and his disappointment with the traffic study, calling it confusing.

Mr. Hess explained that the hours of operation already exist and are not to be considered as part of the request before them.

Discussion ensued about a 6-month review period, with staff explaining that Police and Code Enforcement staff would provide a report.

A MOTION WAS MADE BY DINGWALL TO PERMIT A 140 SQUARE FOOT DANCE FLOOR, OPERATING THE HOURS OF 12:00 P.M. TO 10:00 P.M. WEEKDAYS, AND 12:00 P.M. TO 12:00 A.M. ON WEEKENDS WITH SECURITY PERSONNEL ON SITE UNTIL 2 HOURS FOLLOWING CLOSE OF BUSINESS, AND INCLUDE A 6-MONTH REVIEW PERIOD.

Discussion ensued on retaining security guards after close of business. Police Chief Small described the difficulty in stopping patrons from dancing before the hours of live entertainment expire.

Mr. Pham voiced concerns about the expense in retaining security guards hours after close of business.

WITH NO SECOND, THE MOTION FAILED.

A MOTION WAS MADE BY DWYER, SECONDED BY BURNETT, TO APPROVE CONDITIONAL USE PERMIT NO. 05-08 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL TO INCLUDE A 6-MONTH REVIEW WITH PUBLIC HEARING AND A DELINEATED 140 SQUARE FOOT DANCE FLOOR BY THE FOLLOWING VOTE:

AYES: Dwyer, Scandura, Dingwall, Ray, Burnett, Horgan
NOES: None
ABSENT: Livengood
ABSTAIN: None

MOTION APPROVED

**FINDINGS AND CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT
NO. 05-08**

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 15305 of the CEQA Guidelines, because the conditional use permit provides for minor alterations in land use limitations that do not result in any changes in land use or density.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-08:

1. Conditional Use Permit No. 05-08, to permit a 140 sq. ft. dance floor in conjunction with an existing restaurant/nightclub and a one space reduction in required parking, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use is regulated by the provisions of Chapter 5.44 of the Huntington Beach Municipal Code and the required entertainment permit. The entertainment permit prohibits noise that is audible at a distance greater than 50 feet from the business. No residential property or other commercial buildings existing within 50 feet of the restaurant. In addition, the subject property provides adequate parking to accommodate the proposed dancing, as demonstrated by a parking survey, prepared by a licensed traffic engineer, indicating an average parking utilization of approximately 40%.
2. The conditional use permit will be compatible with surrounding uses because the proposed use is located within in an existing shopping center in a commercial zone, and is adequately buffered from the nearest residential properties and commercial buildings by distance of approximately 250 feet and 85 feet respectively. In addition, the restaurant building has been soundproofed so as to minimize noise related impacts on surrounding land uses.
3. The proposed dance floor and one space reduction in required parking 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 allows dancing and a reduction in parking for certain uses, in the CG zone, with approval of a conditional use permit and based on a parking survey demonstrating that sufficient parking is available to accommodate the proposed use.
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 CG-F1 (Commercial General – 0.35 max. floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

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

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, and (c) captures visitor and tourist activity.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The proposed conditional use permit will provide for the cultural, entertainment and recreational needs of an existing business by allowing the existing establishment to provide opportunities for its patrons to dance. In addition, the use will augment entertainment opportunities for residents of the surrounding area.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-08:

1. The site plan and floor plan received and dated September 7, 2005 shall be the conceptually approved design.
2. The limits of the proposed 140 sq. ft. dance floor shall be clearly delineated. The applicant shall submit a plan indicating the proposed means of delineation for review and approval by the Planning Department, prior to the commencement of dancing.
3. A review of the use shall be conducted by the Planning Commission with a public hearing approximately six (6) months following the issuance of a new or amended Entertainment License authorizing dancing, 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.

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.

C. ~~CONSENT CALENDAR~~

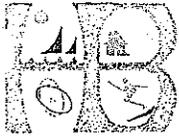
C-1. ~~PLANNING COMMISSION MINUTES DATED AUGUST 9, 2005~~

RECOMMENDED ACTION: Motion to: "Approve the August 9, 2005 Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SCANDURA, SECONDED BY HORGAN, TO APPROVE THE AUGUST 9, 2005 PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Dwyer, Scandura, Dingwall, Ray, Horgan
NOES: None
ABSENT: Livengood
ABSTAIN: Burnett

MOTION APPROVED



CITY OF HUNTINGTON BEACH

2000 MAIN STREET

P.O. BOX 70

POLICE DEPARTMENT

CALIFORNIA 92648

Tel. (714) 960-8811

Kenneth W. Small
Chief of Police

ENTERTAINMENT PERMIT

THIS PERMIT ALLOWS ONLY THE ACTIVITY SHOWN BELOW BY THE PERSON OR PERSONS TO WHOM THE PERMIT IS ISSUED. THIS PERMIT IS NOT TRANSFERABLE.

ISSUED TO: **LA PETITE PARIS RESTAURANT**
10142 Adams Ave.
Huntington Beach, CA 92646

RECEIVED
NOV 09 2005

Effective Dates: June 1, 2005 through June 1, 2006

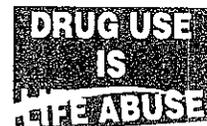
CONDITIONS:

1. Hours of Entertainment: Sunday through Thursday: 9:00 PM to 1:00 AM
Friday to Saturday: 9:00 PM to 1:30 AM
Piano Bar (Dining Area): 6:00 PM to 9:00 PM (Daily)
2. Types of Entertainment: Amplified, and non-amplified, limited to three performers or entertainers in the bar/lounge and one performer at the piano bar dining area, not otherwise prohibited or regulated by City Ordinance or City Permit Process, or any conditions set forth by the ABC, is approved.
3. Patron dancing is allowed and limited to the 140 sq. ft. dance floor (CUP 05-08).
4. Alcoholic drinks shall not be included in the price of admission. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
5. Entertainment will not be audible beyond 50 feet of the business in any direction. (HBMC 8.40.112)
6. All exterior doors and windows shall be closed during times of entertainment. All entertainment must remain inside the establishment at all times.
7. Security Guards: At least 4 when entertainment is present. Two guards must be in the parking lot adjacent to Moulin Rouge at all times during entertainment and shall remain in the parking lot one hour after closing on evenings when entertainment is present. The guards must be clearly identifiable as a security guard and possess a valid Guard Card from the State of California.
8. This permit is valid only when used in conjunction with a valid Conditional Use Permit allowing entertainment at the premises.
9. This permit must be posted in a conspicuous place on the premises described above.
10. Calls for Police service at your establishment deemed excessive as described in 5.44.050 HBMC, as well as any violations of your A.B.C. License or Conditional Use Permit, can result in the suspension or revocation of your Entertainment Permit.
11. Per section 5.28.030 HBMC, no person conducting, maintaining or carrying on a business, or having charge or control thereof, which permits entertainment to be allowed on its premises, shall permit to be admitted on such business premises any minor under the age of twenty-one years, if any alcoholic beverages are consumed, dispensed or sold on the premises, unless the minor is accompanied and under the care at all times of his parent or parents or legal guardian.
12. Must obey all state, local, and municipal laws, including, but not limited to, the "No Smoking" statue under Labor Code 6404.5.

You have the right to appeal the conditions on this permit to the City Council in the manner provided by Section 248.02A of the Huntington Beach Zoning and Subdivision Ordinance, except that the written appeal must be filed with the City Clerk within five (5) days of service of this written notice.

ISSUE DATE: November 8, 2005

Kenneth W. Small
Chief of Police





CITY OF HUNTINGTON BEACH

2000 MAIN STREET

FIRE DEPARTMENT

CALIFORNIA 92648

April 5, 2006

Vu Tran, Owner
Le Petit Paris
10142 Adams Avenue
Huntington Beach, CA 92646

RE: FIRE CODE VIOLATIONS AT 10142 ADAMS AVENUE

RD: 3930

Dear Vu Tran:

All Occupancies within Huntington Beach must meet the requirements of the Huntington Beach Fire Code. Recently, a member of the Huntington Beach Fire Department conducted a fire safety inspection, which noted noncompliance with the Fire Code as follows:

Huntington Beach Building Code 109.5 - Displaying the Certificate of Occupancy. The certificate of occupancy (C of O) shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

Corrective Action: At the time of inspection, you could not locate your C of O. Obtain the current Certificate of Occupancy and post it in a conspicuous location within the occupancy.

Huntington Beach Fire Code Section 2501.16.1- Posting of room capacity. Any room having an occupant load (OL) 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 on an approved sign near the main exit from the room. Such signs shall be maintained legible by the owner or the owner's authorized agent and shall indicate the number of occupants permitted for each room use.

Corrective Action — The main occupancy load sign and other required OL signs are missing from the two assembly rooms in the restaurant / nightclub. You may need to contact the Huntington Beach Building and Safety Department to verify the correct occupancy loads for the assembly rooms. Once obtained, post signs in each room identifying the occupancy loads for each room. Ensure their accuracy.

Huntington Beach Fire Code Section 1001.7.1 – Obstruction of Sprinkler Systems. No person shall place or obstruct, inhibit the operation of any sprinkler system.

Corrective Action: Decorative ceiling material obstructs at least two sprinkler heads in the lounge. Prevent hanging decorative materials from obstructing sprinkler heads throughout the occupancy.

This letter is a Notice of Violation. You are hereby ordered to correct the violations, as noted above, on or before **April 13th, 2006 at 5:00 PM**. An inspection will be made, following this time, to assure all corrections have been completed. **ALL CORRECTIONS MUST BE COMPLETED OR A \$286.00 REINSPECTION FEE MAY BE CHARGED.** Failure to correct the violations may also result in the issuance of an Administrative or Criminal Citation.

If you have any questions regarding this matter, please contact me at the Fire Prevention Division at 714-536-5420.

Sincerely,



Brian Springer
Fire Protection Specialist

c: Occupancy File #0919
David McBride, Deputy Fire Marshal – Huntington Beach Fire Department



CITY OF HUNTINGTON BEACH

2000 MAIN STREET

FIRE DEPARTMENT

CALIFORNIA 92648

April 14, 2006

Vu Tran, Owner
Le Petit Paris
10142 Adams Avenue
Huntington Beach, CA 92646

RE: FIRE CODE VIOLATIONS AT 10142 ADAMS AVENUE

RD: 3930

Dear Vu Tran:

A member of the Huntington Beach Fire Prevention Division conducted a re-inspection at the above addressed occupancy on April 14th, 2006. The following violation(s) have not been corrected:

Huntington Beach Building Code 109.5 - Displaying the Certificate of Occupancy. The certificate of occupancy (C of O) shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

Corrective Action: At the time of inspection, you could not locate your current C of O. Obtain the current Certificate of Occupancy and post it in a conspicuous location within the occupancy.

Huntington Beach Fire Code Section 2501.16.1- Posting of room capacity. Any room having an occupant load (OL) 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 on an approved sign near the main exit from the room. Such signs shall be maintained legible by the owner or the owner's authorized agent and shall indicate the number of occupants permitted for each room use.

Corrective Action – The main occupancy load sign is now posted but the other required OL signs are missing from the two assembly rooms in the restaurant / nightclub. You may need to contact the Huntington Beach Building and Safety Department to verify the correct occupancy loads for the assembly rooms. Once obtained, post signs in each room identifying the occupancy loads for each room. Ensure their accuracy.

Huntington Beach Fire Code Section 1001.7.1 – Obstruction of Sprinkler Systems. No person shall place or obstruct, inhibit the operation of any sprinkler system.

Corrective Action: Decorative ceiling material obstructs at least one remaining sprinkler head in the lounge. Prevent hanging decorative materials from obstructing sprinkler heads throughout the occupancy.

This letter is a second Notice of Violation. You are hereby ordered to correct the violations, as noted above, on or before **April 24th, 2006 at 5:00 PM**. An inspection will be made, following this time, to assure all corrections have been completed. **ALL CORRECTIONS MUST BE COMPLETED OR A \$286.00 REINSPECTION FEE MAY BE CHARGED.** Failure to correct the violations may also result in the issuance of an Administrative or Criminal Citation.

If you have any questions regarding this matter, please contact me at the Fire Prevention Division at 714-536-5420.

Sincerely, ~



Brian Springer
Fire Protection Specialist

c: Occupancy File #0919
David McBride, Deputy Fire Marshal – Huntington Beach Fire Department

Incident / Investigation Report

Huntington Beach Police Department

OCA: 2006-006075

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown

	Status	Quantity	Type Measure	Suspected Drug Type
D R U G S				

O F F E N D E R	Offender(s) Suspected of Using	Offender 1	SUI	Offender 2	Offender 3	Primary Offender Resident Status <input type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input checked="" type="checkbox"/> Unknown		
	<input type="checkbox"/> Drugs <input type="checkbox"/> N/A	Age:	Race:	Sex:	Age:		Race:	Sex:
	<input checked="" type="checkbox"/> Alcohol	Offender 4	Offender 5	Offender 6	Age:		Race:	Sex:
	<input type="checkbox"/> Computer	Age:	Race:	Sex:	Age:		Race:	Sex:

S U S P E C T	Name (L, F M) <i>La Petite Paris</i>				Home Address				Home Phone							
	SUI AKA				<i>10142 Adams Av, Huntington Beach, CA</i>											
	Employer Name/Address/Occupation								Business Phone							
	<i>Club Moulin Rouge, Llc / 10142 Adams Ave</i>															
	SS#: DL#:				Birthplace				Mobile Phone Email Address							
	DOB. / Age		Race		Sex		Hgt		Wgt		Build		Hair Color		Eye Color	
											Hair Style		Hair Length		Glasses	
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)															
	Hat				Shirt/Blouse				Coat/Suit				Socks			
	Jacket				Tie/Scarf				Pants/Dress/Skirt				Shoes			

Was Suspect Armed?	Type of Weapon	Direction of Travel				Mode of Travel					
VYR	Make	Model	Style/Doors	Color	Lic/Lis	Vin					
Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								Type:			

WITNESSES

Name (Last, First, Middle)				D.O.B.		Age		Race		Sex		Height		Weight	
Home Address						Home Phone			Employer			Work Phone			
SS#: DL#:				Birthplace				Mobile Phone Email Address							

Assisting Officers
(421031) BURTON, JASON K

On 04-01-06 at 2300 hours, Officer BURTON and I conducted a bar inspection at the La Petite Paris Restaurant located at 10142 Adams. This inspection was done in response to a request from the Planning Department (Code Enforcement) for the City of Huntington Beach on the La Petite Paris Restaurant's six-month review from a previous suspension of their Entertainment Permit. Both Officer BURTON and I were working in uniform.

I arrived prior to Officer BURTON and parked by patrol vehicle in the parking lot adjacent to the La Petite Paris Restaurant. I know from prior enforcement actions that this location operates as a nightclub during the evening hours and there had been numerous noise complaints from residents regarding loud music coming from this location. I parked my vehicle near the residential homes located across from the restaurant to monitor the noise. I was parked approx. 200 feet from the restaurant and could hear audible music/bass coming from inside the restaurant. I then drove to

ATTACHMENT NO. 5.2

Incident / Investigation Report

Huntington Beach Police Department

OCA: 2006-006075

Officer's Narrative (continued)

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (420260) KRAUSE, ERIK M

Supervisor Signature

several other locations throughout the parking lot, adjacent to the homes, and was still able to hear audible music from the restaurant. This portion of the parking lot was coned off and I could see one security guard monitoring the parking lot. I know that their Entertainment Permit requires two security guards to be in the parking lot at all times when live entertainment is present.

I contacted this security guard and asked him if he was the only security guard working the parking lot. This security guard replied that he was the only guard hired by the restaurant and he was the only person assigned to the parking lot. I know that this was a violation of Condition # 7 of their Entertainment Permit.

When Officer BURTON arrived, we both entered the restaurant to conduct an inspection. When we entered, I could see that the entire restaurant was being used for some type of special event. There were several females working a booth at the front door and who were collecting a door or entry fee. I asked one of the females what the cover charge was, and the female told me that the cover charge was \$10.00 for males, and females were free. Another female, who did not want to give me her name, approached me and identified herself as the person promoting tonight's event. This female said that she operates a promotion company called "3X" and that her company was contacted by someone at the La Petite Paris Restaurant to begin promoting events every Saturday. She told me that this was their first event and that she was earning her money from this event from the door cover charge. Refer to attached photocopies of fliers I obtained from inside of the restaurant.

I know that La Petite Paris' ABC License, specifically, Condition #13, prohibits the restaurant from hiring or using any outside promotions or promoters. Refer to attached ABC License for details.

I estimated that there were over 400 patrons inside the restaurant. From memory, I believed that the maximum occupancy was approx. 250 patrons. I began a head count and counted approx. 450 patrons. I then contacted security at the front door and asked him what his occupancy count was. This security guard showed me his hand held counter that displayed 497. I asked the security guard if he knew what the occupancy limit was, and he replied that he did not.

I know that La Petite Paris Restaurant's Entertainment Permit has certain restrictions on entertainment, the size of their dance floor, and what areas of the restaurant are authorized for entertainment. During my inspection, I saw that there was no designated dance floor in the bar area. Condition # 3, of their Entertainment Permit, limits patron dancing to a 140 square foot dance floor that is suppose to be marked. There was not marked dance floor and patrons were allowed to dance throughout the bar area, well beyond the designated area.

I also saw that entertainment and dancing was allowed in the dining area of the restaurant. The

Incident / Investigation Report

Huntington Beach Police Department

OCA: 2006-006075

Officer's Narrative (Continued)

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (420260) KRAUSE, ERIK M

Supervisor Signature

dining area had many of its tables moved to create room for patrons. Patrons were allowed to dance in the dining area, in violation of Condition # 3, of their Entertainment Permit. I also saw that entertainment, in the form of two pole dancers (two females dancing around poles set up on a raised stage), and a drummer. Condition # 1, of their Entertainment Permit, limits entertainment in the dining area to piano bar or performer only and that entertainment is not allowed past 2100 hours. Condition # 2, of their Entertainment Permit, also limits the dining area to one performer, not three as witnessed by Officer BURTON and myself.

While we were conducting our inspection, I met with Tran VU, whom I know as one of the owners of the restaurant. VU said that one of his managers hired an outside promotion company and he came by the restaurant to see how things were going. VU said that he was not aware that this event was going to be a big as it was and was unaware that they were in violation of many of their conditions. I had VU provide me with his Entertainment Permit and ABC License, which he did. VU and I went over each line of these permits together.

VU admitted that they were above occupancy and told me that the maximum occupancy was 250 patrons. I asked VU how many patrons he thought were inside his restaurant, and he only replied by saying more than 250. I also told VU that I could not find his occupancy number that is suppose to be posted inside the restaurant, and he told me he did not know where it was. I asked him if it was taken down for this event and he did not answer.

I pointed out to VU the above violations and he admitted that his restaurant was in violation of these conditions. VU said that this was the first event held at his restaurant with this promoter and was not sure how it would turn out. When I pointed out that his ABC License prohibited the use of outside promoters, he told me that he was not aware of this. I had VU read this condition and he admitted that he was in violation. He also admitted that the marked dance floor was removed, and that entertainment was allowed in the dining area after hours.

As I was talking to VU, I looked at my watch and saw that was 0140 hours on the morning of 04-02-06. Entertainment was continuing in the restaurant past 0100 hours. I had VU read this part of his permit and he admitted that entertainment was allowed beyond the time allowed.

I explained to VU that I was conducting an inspection for their six-month review for the previous suspension. He said that he was aware that they were coming up on their six-month review. I asked him why he allowed these violations, and he only shook his head back and forth, and said that he was sorry.

I told VU that I would be forwarding this information to Detective SMILEY and the City of Huntington Beach Planning Department. I told VU that they would decide how they would handle

Incident / Investigation Report

Huntington Beach Police Department

OCA: 2006-006075

Officer's Narrative (continued)

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (420260) KRAUSE, ERIK M

Supervisor Signature

these violations.

I did no further investigation.

Incident / Investigation Report

Huntington Beach Police Department

OCA: 2006-006075

Officer's Supplement

Officer 117

Date / Time Reported SA Apr 1, 2006 23:30

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY



presents *Chèche*

every Saturday

launching

April 1, 2006

3X music by

Andrex & Howie

**Erotic Dancers & Ladies of the Night
Special Live Performances**

parisian red light district

**3 Rooms
of Pleasure**

UPSCALE ATTIRE

For table & bottle service

contact **Lorna X**

714.679.3392

Le Petit Paris

10142 Adams Ave
(corner of Brookhurst)
Huntington Beach, CA

Chèche

a Saturday alternative to your
regular Saturday routine



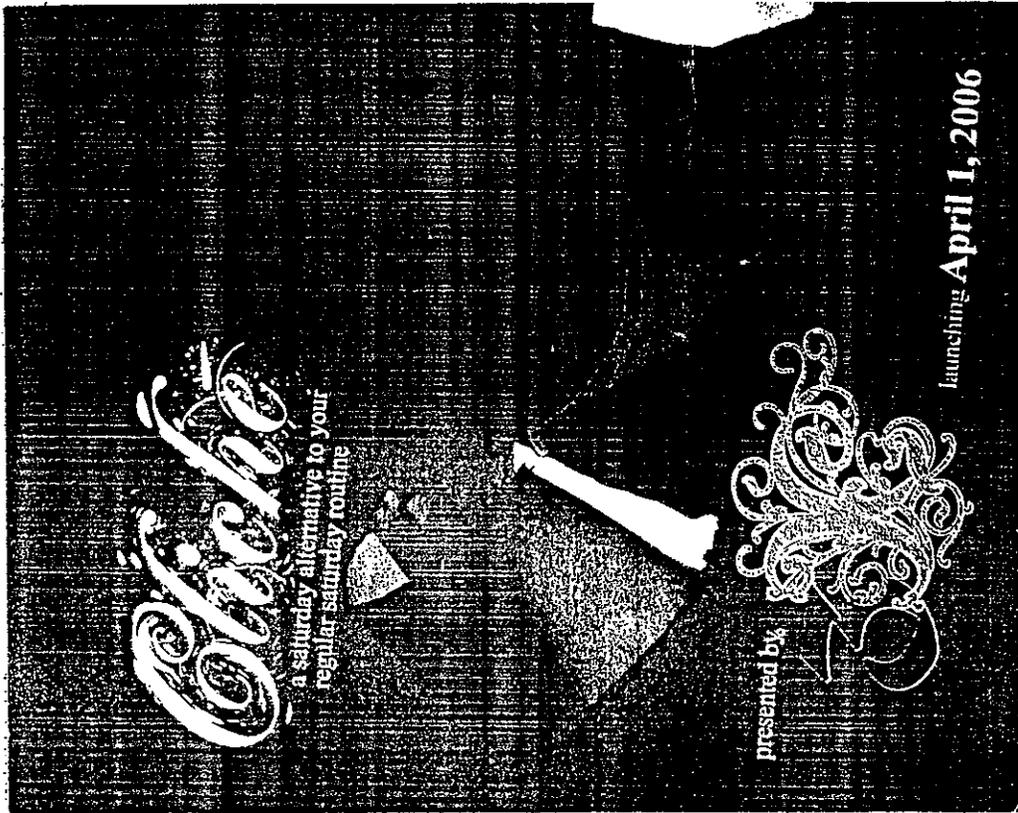
**Launching
Saturday April 1st 2006**



Le Petit Paris
10142 Adams Ave
(Corner of Brookhurst)
Huntington Beach, CA

Upscale Attire







CITY OF HUNTINGTON BEACH
INTER-DEPARTMENT COMMUNICATION

TO: Howard Zelefsky, Director, Planning Department

FROM: Kenneth W. Small, Chief of Police

SUBJECT: Le Petite Paris, Conditional Use Permit Review

DATE: April 17, 2006

City of Huntington Beach
APR 17 2006

During the late evening of April 1, and the early morning of April 2, 2006, the police department conducted an inspection at Le Petite Paris, 10142 Adams Avenue, Huntington Beach. The inspection revealed numerous violations of the Entertainment Permit, the Conditional Use Permit for dancing and the ABC License. The violations are summarized below, and a copy of the police report and Entertainment Permit are attached for your review.

- Audible music from inside the location could be heard approximately 200 feet from the restaurant. This is a violation of the Entertainment Permit and the Huntington Beach Municipal Code.
- There was only one security guard in the parking lot, and he told the officers he was the only guard hired by the restaurant. The Entertainment Permit requires two security guards in the parking lot.
- An outside promotion company was being used for the entertainment and a cover charge was being collected from males entering the location. This is a violation of the ABC License.
- Dancing was allowed outside the 140 square foot area established by the Conditional Use Permit and the dance floor was not properly marked. These are violations of both the Conditional Use Permit and the Entertainment Permit.
- Entertainment and dancing were allowed in the dining area of the restaurant. There is no dancing allowed in the dining area, and the entertainment was restricted to a piano player. These are violations of both the Conditional Use Permit and the Entertainment Permit.
- Entertainment was occurring in the dining area and lounge at 0140 hours. The Entertainment Permit authorizes entertainment in the dining area through 2100 hours and entertainment in the lounge through 0130 hours.

During the inspection, the officers observed that the occupancy of the restaurant was about 450 people. The maximum occupancy established for the location is 250. Vu Tran, who is listed as one of the owners of the location, was at the location. He met with the officers and acknowledged the violations listed in the police report.

On April 9, in the early morning hours, a resident who lives near Le Petite Paris contacted the police department regarding noise from the location. Officers responded to the location, and

ATTACHMENT NO. 6.1

Howard Zelefsky, Director, Planning Department
Subject: Le Petite Paris, Conditional Use Permit Review
April 17, 2006
Page 2

they could hear music coming from inside the location from about 200 feet away. This is a violation of the Entertainment Permit and the Municipal Code.

The current Entertainment Permit at Le Petite Paris was issued in November 2005. This permit was issued subsequent to the conditional approval of the Conditional Use Permit No. 05-08 to allow dancing at Le Petite Paris. The Planning Commission established a review with a public hearing in "approximately six (6) months following the issuance of a new or amended Entertainment Permit License authorizing dancing." Between November 2005 and April 2006, there were no calls for police service at Le Petite Paris related to noise or other matters that would be a violation of either the Entertainment Permit or the Conditional Use Permit. The police department plans to issue civil citations to the Le Petite Paris based on the observations made by police officers on April 2 and April 9.

Based on a review of the history of calls for services, complaints and violations related to Le Petite Paris, it is recommended that the Planning Commission revoke the Conditional Use Permit that authorizes dancing at this location. The owners/managers of the location have demonstrated over a period of time that they are either unwilling or unable to comply with the conditions established by the city and the Department of Alcoholic Beverage Control. It is very likely that allowing dancing to continue at the location will result in both an increase in police calls for service and more importantly a disturbance to the residents who live in close proximity to the location.

BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA

RECEIVED

OCT 16 2001

Dept. of Alcoholic Beverage Control
Santa Ana

In the Matter of the Application of:

Club Moulin Rouge LLC

DBA: Moulin Rouge
10142 Adams Ave
Huntington Beach CA 92646

File: 47-378238

Reg:

PETITION FOR
CONDITIONAL
LICENSE

For issuance of an On-Sale General Public Eating Place License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the local policing agency has expressed an objection to the transfer of the applied-for license without the below-listed conditions; and,

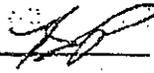
WHEREAS, the aforementioned objection is based on the police problems which exist within the applicant-premises; and,

WHEREAS, the undersigned applicant(s) is/are desirous to allay the policing agency's concerns; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals; and,

NOW THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

01. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee(s) provide, permit or make available, either gratuitous or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
02. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
03. Petitioner(s) shall make no changes to the premises interior without prior written approval from the Department.
04. 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.

INITIALS: 

Club Moulin Rouge LLC

47-378238

Page 2

- 05. No pool or billiard tables may be maintained on the premises.
- 06. All exterior doors shall remain closed during hours of entertainment except to permit patron ingress and egress, to permit deliveries and in case of emergency
- 07. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed.
- 08. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
- 09. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.
- 10. There shall be no coin operated games or video machines maintained upon the premises at any time.
- 11. The interior of the premises shall be equipped with lighting sufficient power to illuminate and make easily discernible the appearance and conduct of all persons in or about the premises.
- 12. Food from the regular menu shall be available to patrons up until one (1) hour prior to closing.
- 13. Petitioner(s) 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.
- 14. Trash shall not be emptied into outside trash containers between the hours of 8:00 PM and 10:00 AM.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 10-10-01 DAY OF October, 2001.

[Signature]
Applicant/Petitioner

Applicant/Petitioner



**California Department of Alcoholic
Beverage Control**
License Query System Summary
as of 4/5/2006

License Information		
License Number: 378238	Status: ACTIVE	
Primary Owner: CLUB MOULIN ROUGE LLC		
ABC Office of Application: SANTA ANA		
Business Name		
Doing Business As: LE PETIT PARIS		
Business Address		
Address: 10142 ADAMS AVE	Census Tract: 0992.16	
City: HUNTINGTON BEACH	County: ORANGE	
State: CA	Zip Code: 92646	
Licensee Information		
Licensee: CLUB MOULIN ROUGE LLC		
Company Officer Information		
Officer: ASIA QUEST LLC, MANAGING MEMBER		
Officer: TRAN VU LE, PRESIDENT		
Officer: PHAM ANHBANG BILL, VICE PRESIDENT		
License Types		
1) License Type: 47 - ON-SALE GENERAL EATING PLACE		
License Type Status: ACTIVE		
Status Date: 09-OCT-2004	Term: 12 Month(s)	
Original Issue Date: 25-MAR-2002	Expiration Date: 28-FEB-2007	
Master: Y	Duplicate: 0	Fee Code: P40
Condition: OPERATING RESTRICTIONS		
License Type was Transferred On: From: 336334		
2) License Type: 30 - TEMPORARY PERMIT		
License Type Status: ISSUE		
Status Date: 27-JUN-2001	Term: 0 Month(s)	
Original Issue Date:	Expiration Date:	
Master: Y	Duplicate: 0	Fee Code: NA
3) License Type: 30 - TEMPORARY PERMIT		
License Type Status: ISSUE		
Status Date: 27-JUN-2001	Term: 0 Month(s)	
Original Issue Date:	Expiration Date:	
Master: Y	Duplicate: 0	Fee Code: NA

Current Disciplinary Action
<i>... No Active Disciplinary Action found ...</i>
Disciplinary History
<i>... No Disciplinary History found ...</i>
Hold Information
<i>... No Active Holds found ...</i>

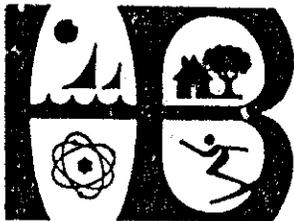
--- End of Report ---

For a definition of codes, view our [glossary](#).

ATTACHMENT NO. 8

SUGGESTED ADDITIONAL CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-08

1. The site plan and floor plan received and dated September 7, 2005 shall be the conceptually approved design.
2. The limits of the proposed 140 sq. ft. dance floor shall be clearly delineated. The applicant shall submit a plan indicating the proposed means of delineation for review and approval by the Planning Department, prior to the commencement of dancing.
3. A review of the use shall be conducted by the Planning Commission with a public hearing approximately six (6) months following the issuance of a new or amended Entertainment License authorizing dancing, 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. **Only the uses described in the applicant's project narrative, received and dated June 16, 2005 shall be permitted.**
5. **The use shall comply with all conditions of the Entertainment Permit as approved by the Police Department.**



Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

August 28, 1998

Hanh To
Moulin Rouge Restaurant
10142 Adams Avenue
Huntington Beach, CA 92646

SUBJECT: **CONDITIONAL USE PERMIT NO. 98-39 (Moulin Rouge Restaurant - Live Entertainment)**

PROPERTY OWNER: Business Properties
17631 Fitch Avenue
Irvine, CA 92704

REQUEST: To permit live entertainment in conjunction with an existing restaurant and lounge.

LOCATION: 7862 Warner Avenue (southwest corner of Warner Avenue and Beach Blvd. -- Plaza Center)

DATE OF ACTION: August 25, 1998

Your application was acted upon by the Planning Commission of the City of Huntington Beach on , August 25, 1998, and your request was Conditionally Approved. Attached to this letter are the Findings and Conditions of Approval for this application.

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 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 grounds for the appeal; it shall also be accompanied by a filing fee. The appeal fee is \$500.00 for a single family dwelling property owner appealing the decision on his/her own property. The appeal fee is \$1,490.00 for all other appeals.

In your case, the last day for filing an appeal and paying the filing fee is September 4, 1998.

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.

If there are any further questions, please contact, Joe Thompson, Planner at (714) 536-5271.

Sincerely,

Howard Zelefsky, Secretary
Planning Commission

by:



Scott Hess, AICP
Senior Planner

xc: Property Owner

Attachment: Findings and Conditions of Approval

FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 98-39

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 98-39:

1. Conditional Use Permit No. 98-39 for the establishment of live entertainment within an existing 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 because this use is consistent with the zoning designation of Commercial General;
it is buffered from residential properties by commercial uses and structures and a major arterial roadway; and noise associated with live entertainment will be contained within the building and restricted to specific hours.
2. The conditional use permit will be compatible with surrounding uses because; a) other commercial uses surround the project site including other restaurants and a movie theater; b) the closest residential use is over 175 feet away and is buffered by other commercial uses; and c) the expanded use will not generate significant noise impacts.
3. The proposed use 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. Commercial zoning allows live entertainment with approval of a Conditional Use Permit from the Planning Commission.
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 CG (Commercial General) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan;
 - a. Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhoods, corridors, and centers.
 - b. Goal LU 10: Achieve the development of a range of commercial use.
 - c. 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 the local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 98-39:

1. The site plan, floor plans and elevations received and dated May 26, 1998 shall be the conceptually approved layout.

2. The use shall comply with the following:
 - a. All conditions of the Entertainment Permit. (PD)
3. Prior to submittal for building permits, the applicant shall obtain all necessary Fire Department permits and comply with all provisions of Article 32 of the Uniform Fire Code. Application for Fire Department permits shall include a layout and circulation plan which shall be approved by the Fire Department. (FD)
4. The Community Development Director ensures that all conditions of approval herein are complied with. The Community Development Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Community Development Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the HBZSO.

INFORMATION ON SPECIFIC CODE REQUIREMENTS:

1. Conditional Use Permit No. 98-39 shall not become effective until the ten-day appeal period has elapsed.
2. Conditional Use Permit No. 98-39 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 Department of Community Development a minimum 30 days prior to the expiration date.
3. The Planning Commission reserves the right to revoke Conditional Use Permit No. 98-39, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
4. The development shall comply with all applicable provisions of the Huntington Beach Zoning Subdivision Ordinance, Building Division, Fire Department, and the Huntington Beach Municipal Code, including Chapter 8.40, Noise Control
5. The applicant shall submit a check in the amount of \$38.00 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 Department of Community Development within two (2) days of the Planning Commission's action.

City of Huntington Beach
APR 18 2006



10142 Adams Avenue
Huntington Beach, CA 92646

April 17, 2006

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

Re: Le Petit Paris CUP Review

Dear Honorable Members of the Planning Commission:

I had the opportunity to attend your Study Session regarding the review of our Conditional use Permit on Tuesday, April 11 and was able to hear the questions and concerns you had regarding the entertainment and management of Le Petit Paris. I am writing, not to make excuses for the decisions of my managers, but with the intent of providing you with some back ground information which you could further inquire at the hearing regarding the entertainment being provided at our establishment.

First, I would like to note that for six (6) months we had operated every night without any incident or complaint. I hope this fact helps to confirm to you that we were in fact doing everything that we had represented to you back in October 2005. As you had questioned at the Study Session, with such a record it would seem extremely foolish for us to do something out of the ordinary to ruin it. However, as Murphy's law would have it, my staff did exactly that.

On this past April 1st my staff obviously took a wrong turn and held an event which was never a part of our entertainment plan. Not to make excuses for the "bonehead" head decisions of my managers, but to give you insight into the decision making process, my mangers informed me that they had set out to contract with an event coordinator/promoter to reserve special events such as birthdays, anniversaries and engagement parties for a young upscale clientele group. The managers were told that they had 3 birthday parties and one engagement party booked for Saturday, April 1st. I am told that substantially all of the customers that night were at our place to attend one of those parties. I was further informed that the go-go dancers were requested for and paid by the engagement party, not our establishment. Again, I relay these facts not to excuse the bad decisions of my staff, but to give you insights to the fact that we had *not* set out to provide this type of entertainment and that this was just a single isolated incident that will not occur again.

With respect to the promotional flyers that were created by the outside event coordinator/promoter, I would like to note that these flyers were *not* created by our managers and were *not* authorized by anyone at Le Petit Paris. I have emphasized to the managers that they should have also took appropriate actions to stop the dissemination of such flyers. My managers have requested that all such promotional materials be discarded immediately. I can further inform you that my staff has strict instructions to terminate all such events, which by the time of the hearing, I am confident you will have confirmation of same.

ATTACHMENT NO. 10.1

With respect to properly marking the boundaries of the dance floor, while there was a discussion at the October hearing regarding changing the tiles on the dance floor to mark-off the boundaries of the dance floor, some Commissioners also noted that changing the floor tiles may be very expensive and unnecessary. The Commissioners then agreed that we could decide on the method for marking-off the dance floor, including using color tape to identify such boundaries. We studied the issue and decided that white tape which could glow in the dark would be the best way to make such delineation most visible. We ordered and installed such markings on the dance floor. Unfortunately, they were all removed by the event coordinator/promoter and my staff did not have the insight to replace such markings. Since the glow tape must be ordered, the dance floor is currently marked with color tape until our new supply comes in.

I hope this letter addresses some of the issues which you had found puzzling. I am sure you will have more questions and I look forward to addressing them at the hearing.

Very truly yours,



Bill Pham,
Owner

cc: Mr. Howard Zelefsky
Mr. Ron Santos
Chief Kenneth Small