



City of Huntington Beach Planning and Building Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Jill Arabe, Associate Planner   
**DATE:** June 23, 2015

**SUBJECT: CONDITIONAL USE PERMIT NO. 15-005 (TORO BURGER RESTAURANT WITH ALCOHOL SERVICE)**

**APPLICANT:** Sherrie Olson, Permits and Licenses Resource Center, LLC, 1030 North Mountain Ave. #190, Ontario, CA 91762

**PROPERTY**

**OWNER:** NF Huntington Plaza, 6222 Wilshire Blvd., Suite 400, Los Angeles, CA 90048

**BUSINESS**

**OWNER:** Toro Burger LLC, 7862 Warner Ave., Suite 101, Huntington Beach, CA 92647

**LOCATION:** 7862 Warner Avenue #101, 92647 (southwest corner of Warner Avenue and Beach Boulevard)

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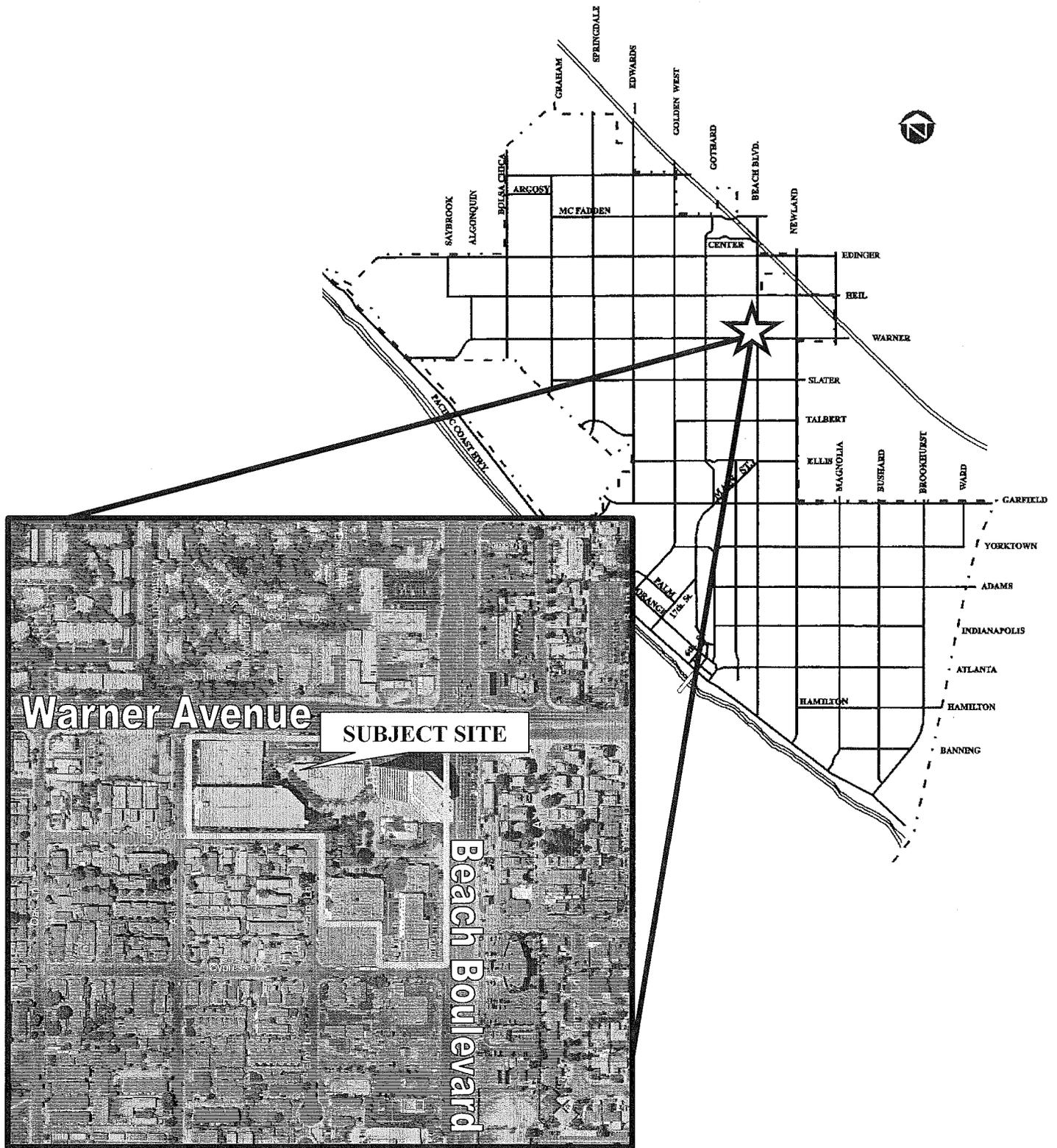
**STATEMENT OF ISSUE:**

- ◆ Conditional Use Permit (CUP) No. 15-005 is a request for the following:
  - To permit the sales, service and consumption of alcohol within an approximately 1,600 sq. ft. restaurant and 360 sq. ft. outdoor dining area.
- ◆ Staff's Recommendation:
  - Approve Conditional Use Permit No. 15-005 based upon the following:
    - The proposed use is in compliance with the General Plan designation of Mixed Use.
    - The ancillary use of alcohol sale and consumption within the restaurant and outdoor dining area, as conditioned, will not generate negative impacts to adjacent uses.

**RECOMMENDATION:**

Motion to:

“Approve Conditional Use Permit No. 15-005 with suggested findings and conditions of approval (Attachment No. 1)”



**VICINITY MAP**  
**CONDITIONAL USE PERMIT NO. 15-005**  
**(TORO BURGER RESTAURANT – 7862 WARNER AVENUE STE. 101)**

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 15-005 with findings for denial.”
- B. “Continue Conditional Use Permit No. 15-005 and direct staff accordingly.”

**PROJECT PROPOSAL:**

Conditional Use Permit No. 15-005 represents a request to permit the sales, service, and consumption of alcoholic beverages within an approximately 1,600 sq. ft. restaurant and 360 sq. ft. outdoor dining area pursuant to the Beach and Edinger Corridors Specific Plan.

The restaurant proposes to sell beer, wine and distilled spirits for consumption on the premises. The proposed hours of operation for the restaurant are 10:00 a.m. to 1:00 a.m. daily. The service and consumption of alcoholic beverages is proposed within the interior of the building and the outdoor dining area. A four foot high fence encloses the outdoor dining area from the surrounding walkway.

**ISSUES:**

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	M-sp-pd (Mixed Use – Specific Plan Overlay – Design Overlay)	SP14 (Beach and Edinger Corridors Specific Plan – Neighborhood Center)	Commercial
North of Subject Property (across Warner Ave.):	M-sp-d	SP14 (BECSP – Town Center Boulevard)	Commercial
East of Subject Property (across Beach Blvd.):	M-sp-d	SP14 (BECSP – Neighborhood Boulevard)	Commercial
West of Subject Site (across Ash Lane):	CG-F1 (Commercial General – 0.35 Max. Floor Area) / RM -15 (Residential Medium Density – 15 du/ac)	CG & RM	Commercial and Multi-family Residential
South of Subject Property (across Sycamore Dr.):	RM-15	RM	Residential

**General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is currently M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay). The proposed project is consistent with the General Plan land use designation of Mixed Use and the objective and policies of the City’s General Plan as follows:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach’s recreational resources.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The proposed use is compatible with the existing commercial uses in the shopping center such as retail, restaurants, and offices. It provides for the sales and service of alcoholic beverages within the interior of the restaurant and outdoor dining area. The proposed use will not generate significant impacts above existing conditions.

B. Economic Development Element

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market place.

The project is located along a primary corridor of the City that contains existing restaurants, retail, and entertainment uses. The proposed use will serve to strengthen the existing commercial center.

**Zoning Compliance:**

This project complies with the requirements of the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan. The sales, service, and consumption of alcoholic beverages is subject to conditional use permit approval by the Planning Commission. The restaurant use is consistent with the parking requirements per the approved plans for the center. The addition of alcohol sales and service to the restaurant and outdoor dining area would not constitute an increase in required parking spaces. In addition, a list of City Code Requirements of the applicable provisions of the HBZSO and Municipal Code has been provided to the applicant (Attachment No. 4) for informational purposes only.

**Urban Design Guidelines Conformance:** Not applicable.

**Environmental Status:**

The proposed project is categorically exempt pursuant to Class 1, *Existing Facilities*, Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which identifies the operation of existing structures involving negligible or no expansion of use beyond that previously existing as exempt from the provisions of CEQA.

**Coastal Status:** Not applicable

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The Departments of Public Works, Fire, and Planning and Building have reviewed the project and identified a list of code requirements (Attachment No. 4) applicable to the project. The Police Department has reviewed the request and recommends several conditions of approval to regulate and monitor the alcohol sales and service (Attachment No. 1).

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on June 11, 2015, 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 Division's Notification Matrix), applicant, and interested parties. As of June 16, 2015, no communication supporting or opposing the request has been received.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

May 4, 2015

**MANDATORY PROCESSING DATE(S):**

July 4, 2015

Conditional Use Permit No. 15-005 was filed on March 30, 2015 and deemed complete on May 4, 2015. The application is scheduled for public hearing before the Planning Commission on June 23, 2015.

**ANALYSIS:**

The subject site is located along major arterial streets and within an existing commercial center comprised of a movie theater, a health club, restaurants, retail uses, and an office building. The proposed use is compatible with existing uses because it provides an additional restaurant opportunity that will serve and benefit the office uses in the center and residential uses in the vicinity. The existing parking structure, landscaping, and movie theater building buffer surrounding residential uses to the west and south from the subject restaurant and outdoor dining area. Furthermore, residential uses are located more than 200 feet from the restaurant. It is not anticipated that potential noise generated by the use will significantly impact noise sensitive uses. The project is also conditioned to minimize potential impacts to surrounding uses including a condition of approval limiting the operation of the outdoor dining to between the hours of

7:00 a.m. and 10:00 p.m. Additionally, staff is recommending provisions to ensure the location maintains a restaurant atmosphere such as requiring the service of food in conjunction with the sale of alcohol, making food service available until one hour prior to closing time, and prohibiting promotions for happy hour or reduced prices for alcohol.

The request for alcohol sales and consumption within the restaurant and outdoor dining is consistent with the scope and intent of development in the Beach and Edinger Corridors Specific Plan and supported by the General Plan.

Staff recommends approval of Conditional Use Permit No. 15-005 based upon the following:

- The proposed use is in compliance with the General Plan designation of Mixed Use.
- The ancillary use of alcohol sale and consumption within the restaurant and outdoor dining area, as conditioned, will not generate negative impacts to adjacent uses.

**ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval for Conditional Use Permit No. 15-005
2. Site Plan and Floor Plan dated and received March 30, 2015
3. Narrative dated March 30, 2015
4. Code Requirements Letter (for informational purposes only) dated June 15, 2015

SH:JJ:JA

## ATTACHMENT NO. 1

### SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

#### CONDITIONAL USE PERMIT NO. 15-005

##### SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

##### SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-005:

1. Conditional Use Permit No. 15-005 for sales, service, and consumption of alcoholic beverages within an approximately 1,600 sq. ft. restaurant and 360 sq. ft. outdoor dining area 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 located within an existing multi-tenant commercial center with other similar commercial uses. The business will provide an additional restaurant opportunity for the office uses in the center and residential uses in the vicinity. The restaurant is not anticipated to generate additional noise, traffic, or other impacts above existing conditions. Residential uses to the west and south of the site are buffered from the use by streets, a parking structure and movie theater building, and landscaping. As conditioned, outdoor dining is not permitted between the hours of 10:00 p.m. and 7:00 a.m. to minimize potential noise and safety impacts during late night times.
2. The conditional use permit will be compatible with surrounding residential and commercial uses. The restaurant use is located in an existing multi-tenant commercial center with other similar commercial uses. Residential uses to the west and south of the site are buffered from the use by streets, a parking structure and movie theater building, and landscaping. The business entrance door is oriented to Warner Avenue and as conditioned, outdoor dining will not occur between the hours of 10:00 p.m. and 7:00 a.m. to minimize potential noise and safety impacts during late night times.
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 on the project. It complies with applicable HBZSO requirements. The proposed hours of operation are consistent with the existing commercial uses and therefore will not generate impacts to adjacent noise-sensitive uses above the existing conditions.
4. The granting of the conditional use permit will not adversely affect the General Plan. The proposed project is consistent with the General Plan land use designation of Mixed Use and the goals, objectives, and policies of the City's General Plan as follows:

##### *A. Land Use Element*

*Objective LU 10.1:* Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

*Policy LU 10.1.8:* Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The proposed use is compatible with the existing commercial uses in the shopping center such as retail, restaurants, and offices. It provides for the sales and service of alcoholic beverages within the interior of the restaurant and outdoor dining area. The proposed use will not generate significant impacts above existing conditions.

B. *Economic Development Element*

*Policy ED 2.4.3:* Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market place.

The project is located along a primary corridor of the City that contains existing restaurants, retail, and entertainment uses. The proposed use will serve to strengthen the existing commercial center.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-005:**

1. The site plan and floor plan received and dated March 30, 2015, shall be the conceptually approved layout.
2. Prior to the sales, service, or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing alcohol use in the restaurant and outdoor dining area. The business shall be limited to a Type 47 (On Sale General – Eating Place) ABC License.
3. The use shall comply with the following:
  - a. Restaurant business hours shall be limited to between 7:00 AM to 1:00 AM daily.
  - b. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, no dining or consumption of alcoholic beverages shall be permitted within the outdoor patio dining area between the hours of 10:00 PM and 7:00 AM.
  - c. All alcoholic beverages shall remain within the interior of the restaurant and outdoor patio dining area per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
  - d. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
  - e. No “happy hour” or reduced price alcoholic beverage promotion shall be allowed at any time. **(PD)**

- f. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
- g. Signs shall be posted in a conspicuous space at the entrance/exit points of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- h. An employee shall maintain continuous supervision at all times of the patio area when the patio area is being utilized for the sales, service or consumption of alcoholic beverages. **(PD)**
- i. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time. **(PD)**
- j. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**
- k. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment is not allowed on the patio. **(PD)**
- l. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. **(PD)**
- m. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**
- n. Consumption of alcoholic beverages by on-duty employees including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- o. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- p. 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. **(PD)**
- q. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
- r. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**

- s. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. **(PD)**
4. Signage shall be reviewed under separate permits and applicable processing.
5. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. 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 provisions of HBZSO Section 241.18.
6. Conditional Use Permit No. 15-005 shall become null and void unless exercised within two (2) years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
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.
8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

#### **INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

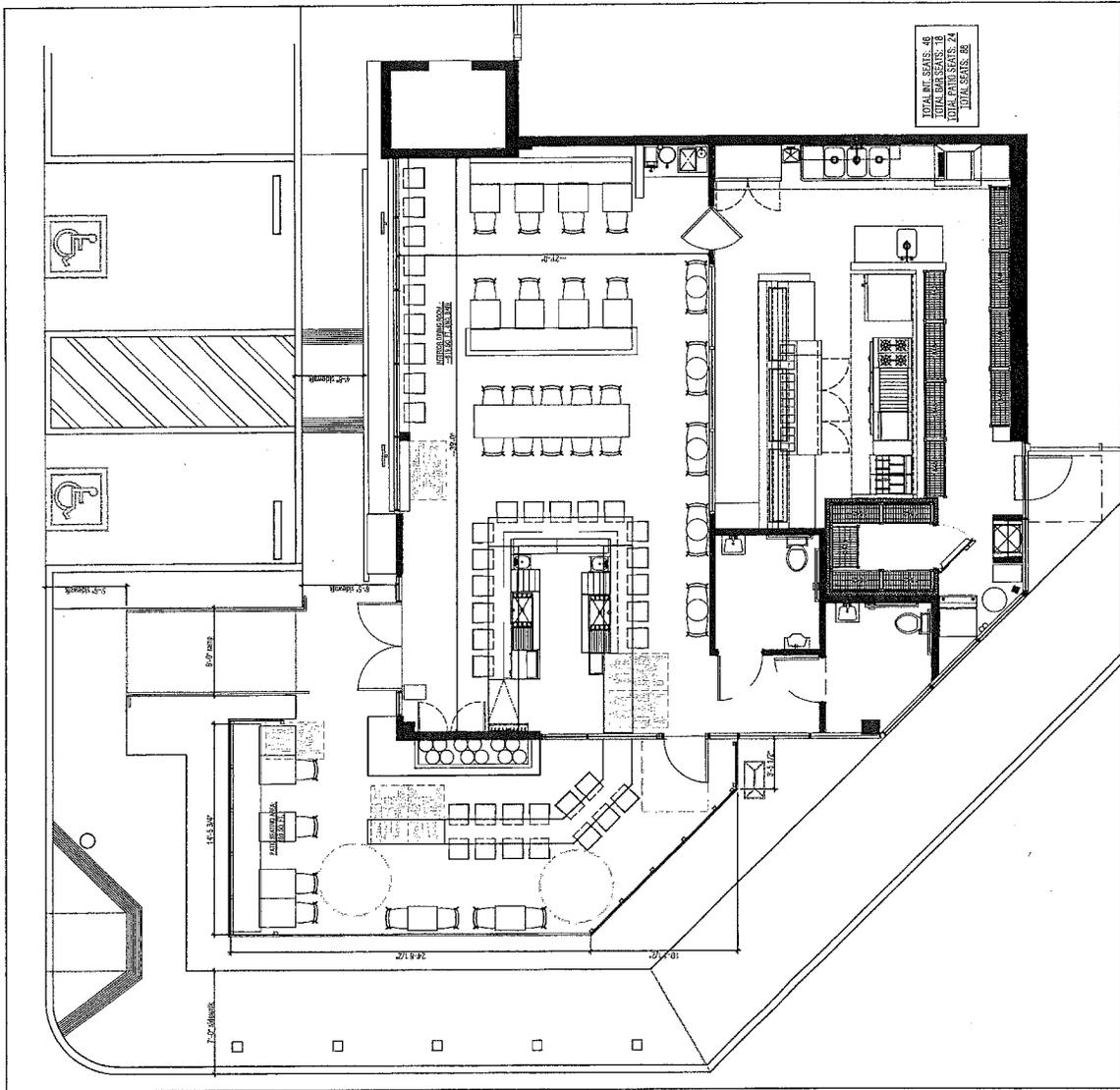
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.



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**City of Huntington Beach Planning Department**

Toro Burger LLC (Bang Duy Nguyen)  
DBA: Toro Burger  
7862 Warner Avenue, Suite 101  
Huntington Beach, CA 92647

APN: 165-361-15

**Request:**

A Conditional use permit to allow the sale of a full line of beverages for on-site consumption only; in conjunction with a 1,596 square foot restaurant, accommodating 64 interior seats and 18 exterior patio seats, with hours of operation hours from 10am to 1am daily, serving Lunch and Dinner daily with breakfast offered on Saturday and Sunday in a SP 14-H zone.

This is a unique business and is recognized as a fine dining gourmet burger restaurant. This establishment offers a relaxed, social environment where residents, shoppers, workers and visitors can enjoy. The restaurant offers the community a quality, family style restaurant with a wide range of food and drink options to choose from.

The subject premise is located within the newly remolded Charter Centre Plaza in a thriving commercial corridor between Beach Blvd and Sycamore Ave, off of Warner Ave. The surrounding properties are developed with commercial, general office, service-related, storefront retail and restaurant uses. The proposed use will add to the diversification of uses within the established community and is in proper relation to the adjacent uses.

Given the urbanized location to encourage businesses, this unique establishment fits well in this community and will enhance the economic well being and not affect the quiet enjoyment of nearby residents. In addition, it helps improve the overall economic growth by adding over 15 to 20 jobs to the immediate area.

In conclusion, the project will result in a positive continued upgrading of an area. The proposed use is in character with, and compatible with the surrounding uses and its combination of restaurants, entertainment, and retail shopping opportunities to help development goals of the city.

RECEIVED

MAR 30 2015

Dept. of Planning  
& Building

RECEIVED

MAR 9 0 2015

Dept. of Planning  
& Building

**TORO BURGER RESTAURANT  
SECURITY PLAN  
7862 WARNER AVE, SUITE 101,  
HUNTINGTON BEACH, CA 92647**

**PHYSICAL SECURITY**

A security system will be installed that will combine motion detectors, contacts at doors, audio alarm, closed-circuit television system to secure the premises.

Security Cameras –will be installed to monitor inside and outside of the premises, to avoid any problems or concerns. This restaurant will have a camera system that will be running 24 hours, seven days a week. It is extremely important that Toro's Burger provides a safe and upscale environment for our patrons and any passerby.

**OPERATIONAL SECURITY**

Cash Control – Receipts will be deposited daily such that minimal cash will be maintained on the premises. Cash on the premises will be kept in a safe.

Employees - Employees will monitor parking lot on an hourly basis to avoid loitering on the premises under their control. 4-6 employees will be on the premises at all times. All employees will go through Lead training through the Department of Alcoholic Beverage Control, which is an extensive crime deterrence-training program and are supplied with comprehensive resource material on crime deterrence and violence avoidance.

Hours – 10am to 1am Daily.

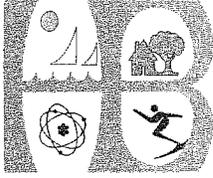
Lighting – Restaurant will be well lit, clean and organized to create a safe environment. Sufficient lighting of the exterior of the premises including adjacent public sidewalks and parking lots under the licensee's control during all hours of darkness when open for business.

Litter – Removal of litter from the premises will be on a daily basis including adjacent sidewalks and parking lots under the licensee's control.

Graffiti – Removal of all graffiti within 24 hours.

Windows – No more than 20% of windows will be covered with advertising at any given time. Police Department will have clear view of inside premises at all times. No promoting of alcoholic beverages on exterior windows of any kind.

Signs – All standard Operating signs will be posted on premises; i.e. no loitering, no open container, etc.



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING AND BUILDING

[www.huntingtonbeachca.gov](http://www.huntingtonbeachca.gov)

Planning Division

714.536.5271

Building Division

714.536.5241

June 15, 2015

Sherrie Olson  
Permits and Licenses Resource Center LLC  
1030 North Mountain Ave. #190  
Ontario, CA 91762

**SUBJECT: CONDITIONAL USE PERMIT NO. 15-005 (TORO BURGER RESTAURANT WITH ALCOHOL SERVICE) – 7862 WARNER AVE. #101, 92647  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Applicant,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

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

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 [jarabe@surfcity-hb.org](mailto:jarabe@surfcity-hb.org) or 714-374-5357 and/or the respective source department (contact person below).

Sincerely,

Jill Arabe  
Associate Planner

Enclosure

cc: Khoa Duong, Building Division – 714-872-6123 / [khoa@csgenar.com](mailto:khoa@csgenar.com)  
Bob Milani, Public Works Department – 714-374-1735 / [bob.milani@surfcity-hb.org](mailto:bob.milani@surfcity-hb.org)  
Jake Fitzgerald, Police Department – 714-536-5986 / [jfitzgerald@hbpd.org](mailto:jfitzgerald@hbpd.org)  
Jane James, Planning Manager  
NF Huntington Plaza LP, Tom Schiff, 6222 Wilshire Blvd. Suite 400, Los Angeles, CA 90048  
Project File

**Attachment No. 4.1**



## HUNTINGTON BEACH BUILDING DIVISION

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** April 22, 2015

**PROJECT NAME:** Toro Burger Restaurant with Alcohol

**ENTITLEMENTS:** Conditional Use Permit No. 15-005

**PROJECT LOCATION:** 7862 Warner Avenue, Suite 101, 92647 (southwest corner of Warner Avenue and Beach Boulevard – Charter Centre)

**PROJECT PLANNER:** Jill Arabe, Associate Planner

**PLAN REVIEWER:** Khoa Duong, P.E

**TELEPHONE/E-MAIL:** (714) 872-6123 / khoa@csgengr.com

**PROJECT DESCRIPTION:** To permit the establishment of an approximately 1,600 sq. ft. restaurant and 860 sq. ft. outdoor dining area in conjunction with the sales, service, and consumption of alcohol.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated March 30, 2015. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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**I. REQUIREMENT:**

Development Impact Fees will be required for new construction and commercial/industrial additions.

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

1. Project shall comply with the current state building codes adopted by the city at the time of permit application submittal. Currently they are 2013 California Building Code (CBC), 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Electrical Code, 2013 California Energy Code, 2013 California Green Building Standards Code, and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.
2. Provide Building Data to show:
  - Type of building construction
  - Occupancy groups
  - Building with fire sprinkler system or not
  - Tenant floor area
3. For mixed use and occupancy, please comply with Section 508 of 2013 CBC.
  - a. Provide building analysis showing allowable building area vs. building area.

- b. Show location of fire rated walls. (If applicable)
4. Provide complete Site plan –
  - a. Show accessible paths of travel from public sidewalk to the building entrance(s) along with maximum slope of 5%; and cross slope of 2%.
  - b. Show location of all curb ramps and truncated domes within the accessible paths of travel.
5. Provide compliance to disabled accessibility requirements of Chapter 11B of the 2013 CBC.
  - Accessible parking stalls. At least one van accessible shall be provided.
  - Restrooms must be accessible to disabled persons.
  - Provide accessible access to behind the bar. Flip top counter cannot be used.
  - At least one wheelchair seating space shall be provided at center area.
6. Egress plan –
  - a. Two exits are required from dining area. The separation between the required exits must be maintained to public way.
7. Review and provide compliance with Title 17 of the City of Huntington Beach Municipal Code, Building and Construction. This document can be found online on the city's website.
8. For projects that will include multiple licensed professions in multiple disciplines, i.e. Architect and professional engineers for specific disciplines, a Design Professional in Responsible Charge will be requested per the 2013 CBC, Section 107.3.4.
9. In addition to all of the code requirements of the 2013 California Green Building Standards Code, specifically address Construction Waste Management per Sections 4.408.2, 4.408.3, 4.408.4, 5.408.1.1, 5.408.1.2, and 5.408.1.3 and Building Maintenance and Operation, Section 5.410. Prior to the issuance of a building permit the permittee will be required to describe how they will comply with the sections described above. Prior to Building Final Approval, the city will require a Waste Diversion Report per Sections 4.408.5 and 5.408.1.4.

### III. COMMENTS:

1. Planning and Building Department encourage the use of pre-submittal building plan check meetings.
2. Separate Building, Mechanical, Electrical and Plumbing Permits will be required for all exterior accessory elements of the project, including but not limited to: fireplaces, fountains, sculptures, light poles, walls and fences over 42" high, retaining walls over 2' high, detached trellises/patio covers, gas piping, water service, backflow anti-siphon, electrical, meter pedestals/electrical panels, swimming pools, storage racks for industrial/commercial projects. It will be the design professional in charge, responsibility to coordinate and submit the documents for the work described above.
3. Provide on all plan submittals for building, mechanical, electrical and plumbing permits, the Conditions of Approval and Code Requirements that are associated with the project through the entitlement process. If there is a WQMP, it is required to be attached to the plumbing plans for plan check.



## CITY OF HUNTINGTON BEACH POLICE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** April 24, 2015

**PROJECT NAME:** Toro Burger Restaurant with Alcohol

**ENTITLEMENTS:** Conditional Use Permit No. 15-005

**PROJECT LOCATION:** 7862 Warner Avenue, Suite 101, 92647 (southwest corner of Warner Avenue and Beach Boulevard – Charter Centre)

**PROJECT PLANNER:** Jill Arabe, Associate Planner

**PLAN REVIEWER:** CSO Jake Fitzgerald #1789

**TELEPHONE/E-MAIL:** (714) 536-5986 [jfitzgerald@hbpd.org](mailto:jfitzgerald@hbpd.org)

**PROJECT DESCRIPTION:** To permit the establishment of an approximately 1,600 sq. ft. restaurant and 860 sq. ft. outdoor dining area in conjunction with the sales, service, and consumption of alcohol.

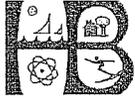
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1. Prior to sales, service or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the restaurant and outdoor patio dining area.
2. All alcoholic beverages shall remain within the interior of the restaurant and outdoor patio dining area per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant.
3. Service of alcoholic beverages for consumption off-site shall not be permitted.
4. No "happy hour" or reduced price alcoholic beverage promotion shall be allowed at any time.
5. No loitering shall be permitted within the vicinity of any entrances and exits at any time.
6. Signs shall be posted in a conspicuous space at the entrance/exit points of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT".
7. An employee shall maintain continuous supervision at all times of the patio area when the patio area is being utilized for the sales, service or consumption of alcoholic beverages.

8. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time.
9. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.
10. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment is not allowed on the patio.
11. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, no dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM.
12. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations.
13. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons.
14. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden.
15. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business.
16. 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.
17. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress.
18. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review.
19. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times.



## CITY OF HUNTINGTON BEACH

### PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

#### PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: APRIL 27, 2015  
PROJECT NAME: TORO BURGER RESTAURANT WITH ALCOHOL  
ENTITLEMENTS: CUP 15-05  
PLNG APPLICATION NO: 2015-0056  
DATE OF PLANS: MARCH 30, 2015  
PROJECT LOCATION: 7862 WARNER AVENUE, SUITE 101  
PROJECT PLANNER: JILL ARABE, ASSOCIATE PLANNER  
PLAN REVIEWER: BOB MILANI, SENIOR CIVIL ENGINEER *BM*  
TELEPHONE/E-MAIL: 714-374-1735 / [BOB.MILANI@SURFCITY-HB.ORG](mailto:BOB.MILANI@SURFCITY-HB.ORG)  
PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT OF AN APPROXIMATELY 1,600 SQ. FT. RESTAURANT AND 860 SQ. FT. OUTDOOR DINING AREA IN CONJUNCTION WITH THE SALES, SERVICE, AND CONSUMPTION OF ALCOHOL.

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

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#### THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A GRADING PERMIT:

1. An Improvement Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
  - a. The existing water meter shall be replaced with a touch-read meter. The new domestic water meter shall be installed per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). (ZSO 230.84)

- b. The existing domestic water service and meter currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and are in working condition as determined by the Water Inspector. If the property owner elects to utilize the existing water services, any non-conforming water service(s), meter(s), and backflow protection device(s) shall be upgraded to conform to the current Water Division Standards. Alternatively, a new separate domestic water service(s), meter(s) and backflow protection device(s) may be installed per Water Division Standards and shall be sized to meet the minimum requirements set by the California Plumbing Code.
- c. The existing irrigation water service(s) currently serving the existing development may potentially be utilized if they are of adequate size, conform to current standards, and are in working condition as determined by the Utilities Division. If the property owner elects to utilize the existing water service(s), all non-conforming water meters and backflow protection devices shall be upgraded to conform to the current Water Division Standards. Alternatively, a new separate irrigation water service(s), meter(s) and backflow protection device(s) may be installed per Water Division Standards. (ZSO 232)
- d. The existing domestic water service and meter, if not being used shall be abandoned per Water Division Standards. (ZSO 230.84)
- e. The fire sprinkler system that is required by the Fire Department for the proposed development shall have a separate dedicated fire service line installed per Water Division Standards. (ZSO 230.84)
- f. The existing fire backflow protection device shall be removed and replaced with a backflow protection device that conforms to the current Water Division Standards. (ZSO 230.84)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO  
ISSUANCE OF A BUILDING PERMIT:**

2. The applicable Orange County Sanitation District Capital Facility Capacity Charge shall be paid to the City Department of Public Works. (Ordinance OCSD-40)

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

3. Complete all improvements as shown on the approved improvement plans. (MC 17.05)
4. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at [http://www.surfcity-hb.org/files/users/public\\_works/fee\\_schedule.pdf](http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf). (ZSO 240.06/ZSO 250.16)



## HUNTINGTON BEACH PLANNING AND BUILDING DEPARTMENT PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** June 15, 2015  
**PROJECT NAME:** Toro Burger Restaurant with Alcohol Service  
**PLANNING APPLICATION NO.:** 2015-056  
**ENTITLEMENTS:** Conditional Use Permit No. 15-005  
**DATE OF PLANS:** March 30, 2015  
**PROJECT LOCATION:** 7862 Warner Avenue #101, 92647 (southwest corner of Warner Avenue and Beach Boulevard – Charter Centre)  
**PLAN REVIEWER:** Jill Arabe, Associate Planner  
**TELEPHONE/E-MAIL:** 714-374-5357 / jarabe@surfcity-hb.org  
**PROJECT DESCRIPTION:** To permit the sales, service, and consumption of alcoholic beverages within an approximately 1,600 sq. ft. restaurant and 360 sq. ft. outdoor dining area.

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided should final project approval be received. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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### CONDITIONAL USE PERMIT NO. 15-005:

1. The site plan and floor plan approved by the Planning Commission shall be the conceptually approved design.
2. The Development Services Departments (Planning and Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. 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 provisions of HBZSO Section 241.18. **(HBZSO Section 241.18)**

3. CUP 15-005 shall become null and void unless exercised within one year of the date of final approval, or as modified by condition of approval. An extension of time may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16.A)**
4. CUP 15-005 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **(HBZSO Section 241.14)**
5. The Planning Commission reserves the right to revoke CUP 15-005 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. **(HBZSO Section 241.16.D)**
6. The project shall comply with all applicable requirements of the Municipal Code, Planning and Building Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
7. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**
8. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning and Building Department within two (2) days of the Planning Commission's approval of entitlements. **(California Code Section 15094)**
9. Live entertainment shall not be permitted unless a conditional use permit for this specific use is reviewed and approved. **(HBZSO Section 211.04)**