



City of Huntington Beach Planning and Building Department

**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Rosemary Medel, Associate Planner *RM*  
**DATE:** November 27, 2012  
**SUBJECT:** **CONDITIONAL USE PERMIT NO. 12-021 (BRUXIE GOURMET WAFFLES)**  
**APPLICANT:** T. S. Voelker Architecture, Todd Voelker, 14988 Sand Canyon Ave., Studio 2, Irvine, CA 92618  
**PROPERTY OWNER:** CIM, 155 5<sup>th</sup> Street, Suite P100, Huntington Beach, CA 92648  
**LOCATION:** 180 5<sup>th</sup> Street, Suite 120 (southeast corner of Fifth Street and Walnut Avenue – The Strand, Downtown)

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**STATEMENT OF ISSUE:**

- ◆ Conditional Use Permit No. 12-021 request:
  - Permit the establishment of a 2,575 square foot gourmet waffles restaurant within an existing lease space.
  - Permit the establishment of an approximately 385 square foot outdoor dining area with order and pick up window.
- ◆ Staff Recommendation:

Approve Conditional Use Permit No. 12-021 based upon the following:

  - Proposed restaurant will be consistent with the Mixed-Use General Plan Land Use designation.
  - Proposed outdoor dining activating the pedestrian experience with climate controlled canopies will comply with the Downtown Specific Plan.
  - Proposed restaurant and outdoor dining is consistent with the visitor-serving category of the Downtown Specific Plan to approve and support commercial activities that serve the needs of the surrounding community.
  - Proposed hours of operation are in keeping with The Strand development and will not create adverse noise or safety impacts to the surrounding businesses and residents.
  - Proposed restaurant will be compatible with surrounding uses as adequate pedestrian circulation will be maintained.
  - Proposed project as conditioned complies with the base district parking provisions and public open space requirements specified in the Downtown Specific Plan.

**RECOMMENDATION:**

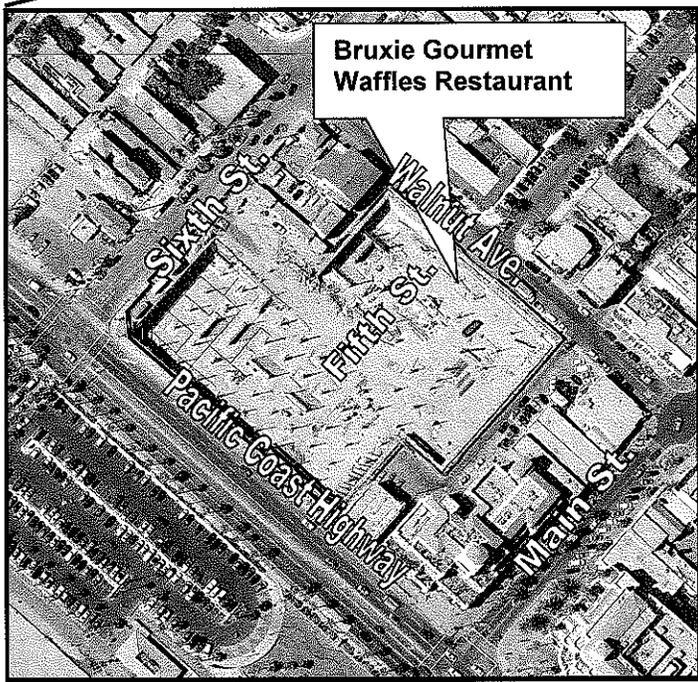
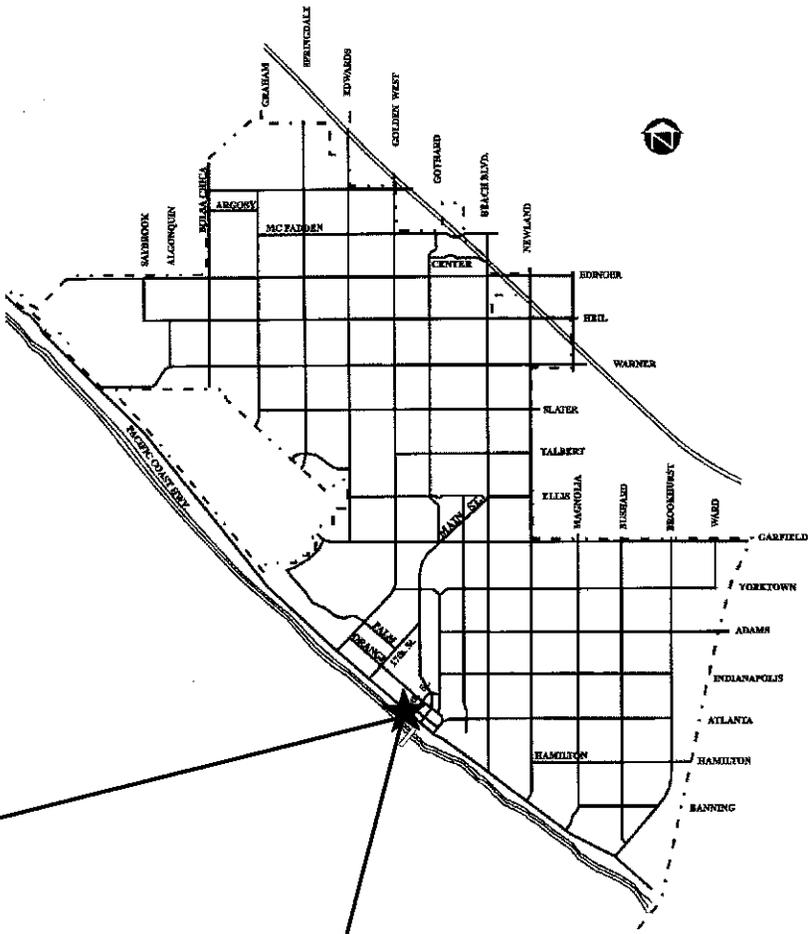
Motion to:

“Approve Conditional Use Permit No. 12-021 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. 12-021 with findings for denial.”
- B. “Continue Conditional Use Permit No. 12-021 and direct staff accordingly.”



**VICINITY MAP**  
**CONDITIONAL USE PERMIT NO. 12-021**  
**(BRUXIE GOURMET WAFFLES RESTAURANT)**  
**180 5<sup>TH</sup> Street, Suite 120 at Walnut Avenue**

## **PROJECT PROPOSAL:**

Conditional Use Permit No. 12-021 represents a request for the following:

To allow the establishment, maintenance, and operation of a 2,575 sq. ft. restaurant and 385 sq. ft. outdoor dining pursuant to Conditional Use Permit No. 99-45 conditions of approval for The Strand development.

The subject site is located within The Strand, a mixed use development consisting of commercial uses and a hotel. The Strand consists of a total of six buildings located on the east and west sides of Fifth Street between Pacific Coast Highway (PCH) and Walnut Avenue. The applicant proposes to lease the ground level space within Building A, located at the southeast corner of Fifth Street and Walnut Avenue. The 6,000 square foot lease space will be divided to accommodate two separate restaurants. Bruxie will occupy 2,575 sq. ft. and fronts both 5<sup>th</sup> Street and Walnut Avenue.

According to the applicant, the Bruxie restaurant concept is to create a dynamic eating experience utilizing both indoor and outdoor space to enhance the pedestrian experience. Outdoor dining area is provided in two locations. Forty square of outdoor dining will be located along Walnut Avenue within the existing five foot setback and 385 square feet of outdoor dining will be provided along 5<sup>th</sup> Street. Both outdoor dining areas will be covered by permanent canopies. The climate controlled canopies offer the use of fans, heaters and speakers for ambient music. The restaurant also offers a take-out window along the 5<sup>th</sup> Street frontage and will employ approximately 60 employees.

These façade improvements were reviewed by the Design Review Board on November 8, 2012. There is a discussion of their recommended action under the Design Review Board and Analysis sections of this report.

### **Background:**

#### *Restaurant and Outdoor Dining Uses*

The City approved Tentative Tract Map No. 16406, Conditional Use Permit No. 99-45 with Special Permits No. 02-06, and Coastal Development Permit No. 99-16 on October 21, 2002 to construct approximately 106,000 square feet of commercial space, a 152-room hotel consisting of approximately 120,170 square feet, and a 411 space subterranean parking structure. In addition, the City approved Conditional Use Permit No. 07-021 (RA Sushi) on August 14, 2007 to permit a 5,313 sq. ft. restaurant with on-site sale and consumption of alcoholic beverages. On January 27, 2009, the City approved Conditional Use Permit No. 08-047 (Johnny Rockets) to permit a 1,844 sq. ft. restaurant and 193 sq. ft. outdoor dining area with on-site sale and consumption of alcoholic beverages. Zimzala was the most recent restaurant to be approved in 2010 offering 9,696 sf. ft. within the Shorebreak Hotel.

The original conditions of approval for The Strand require that restaurant, alcohol sales, outdoor dining, live entertainment, and dancing uses require approval of a Conditional Use Permit by the Planning Commission consistent with the Downtown Specific Plan requirements at the time. Approval of these types of uses was not included in the original conditions of approval because many of the specific uses were unknown and staff would need greater specificity to review compatibility and mitigate any issues

(i.e. hours of operation, alcohol service, noise, etc.) to ensure a successful project. Of the total 106,000 sq. ft. of commercial space approved for The Strand, 40,000 sq. ft. may be devoted to restaurant uses and adequate parking is already provided. The establishment of Bruxie at 2,575 sq. ft. brings the total restaurant square footage to 19,428 sf. Therefore, because the total restaurants will be under the 40,000 sf threshold, adequate parking is provided in the subterranean parking lot.

**ISSUES:**

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	MV- >30-d-sp-pd (Mixed Use Vertical – Greater than 30 Units to the Acre -Design Overlay - Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 1/Coastal Zone	Mixed Use Development
North (across Walnut), East, West and South of Subject Property:	MV- > 30 – d- sp- pd ( Mixed Use Vertical – Greater than 30 units to the Acre -Design Overlay - Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 1/Coastal Zone	Police Substation Mixed Use Development

**General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is Mixed Use Vertical. 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

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, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

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 15.2.2 Require that uses in the Pedestrian Overlay District be sited and designed to enhance pedestrian activity along the sidewalks. Create visual differentiation of upper and lower floors and distinct treatment of building entrances and use of pedestrian oriented signage.

The proposed use will establish a new restaurant within the Downtown Core District that is consistent with the Land Use Density Schedules for The Strand development and is compatible with surrounding

mixed-use development. The additional outdoor seating will assist in the activation of Walnut Avenue and 5<sup>th</sup> Street and further the pedestrian experience in the Downtown.

**B. Coastal Element**

Policy C 1 Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed use will promote the commercial viability of The Strand and will occupy vacant lease space as a restaurant use with outdoor seating, climate controlled canopies and creative signage.

**Zoning Compliance:**

This project is located in the Downtown Specific Plan, District No. 1 (Downtown Core District Mixed-Use) and complies with all of the requirements of that zone. The proposed restaurant will be established within a vacant lease space, which is less than the maximum square footage allotted for restaurant space within The Strand development. The proposed outdoor dining on both the 5<sup>th</sup> Street side and the Walnut Avenue side of the project provide adequate free and clear pedestrian travel around the improvements and will not block access to any other tenant space. Overall, the combined restaurant and outdoor dining space is below the maximum 40,000 sf. ft. parked in the original entitlements. Therefore, adequate parking for the proposed restaurant will be provided within the subterranean parking structure.

**Urban Design Guidelines Conformance:**

The exterior modifications are in keeping with the goal to create a pedestrian active environment within The Strand. The exposure of support beams add to the unique character of Bruxie restaurant creating a visitor friendly atmosphere. Signage is creative in style and location and will maximize visibility for this restaurant as well as The Strand in general.

**Environmental Status:**

The proposed project is Categorically Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act, which states that minor alterations to existing or approved structures are exempt from further environmental review.

**Coastal Status:**

The proposed project is within a non-appealable portion of the Coastal Zone. The original entitlement for The Strand including Coastal Development Permit No. 99-16 assumed outdoor dining as part of the project.

**Design Review Board:**

The Design Review Board (DRB) considered the project at their November 8, 2012 meeting. Discussed were the façade improvements, outdoor dining and proposed amendments to the planned sign program. The DRB recommends approval with modifications for the proposed façade improvements and outdoor dining improvements. The DRB disagreed with staff recommendation to select an alternative for the proposed blade/projecting sign. The DRB recommends approval of the projecting sign because the sign is unique and adds to the character of The Strand development. A detailed discussion can be found in the Analysis section of this report.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The Departments of Building & Safety, Fire, Public Works, Community Services, Economic Development, and Planning have reviewed the application and identified applicable code requirements (Attachment No. 4). The Police Department has expressed minor concern with the queuing line for outdoor order/pick up window and maintaining a pedestrian path along Walnut Avenue. The applicant modified the outdoor dining area to expand the queuing area along 5<sup>th</sup> Street as indicated on the submitted site plan. The fixed outdoor seating along Walnut is located within the setback area but must be reduced by one foot to meet minimum sidewalk clearance. Additionally, the existing potted plants will be removed to allow to better pedestrian circulation. Community Services has conditioned that construction and tenant improvements not interfere with the City's scheduled events requiring that the applicant contact Community Services prior to commencement of the construction activity. Additionally, existing metered parking across the street from the project on Walnut Avenue shall remain available for public use during construction. The Economic Development Department supports the request because it will fill a vacant lease space and activate the 5<sup>th</sup> Street and Walnut Avenue corner.

The applicant has verbally expressed willingness to adhere to proposed conditions of approval that will address these minor concerns.

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on November 15, 2012, and notices were sent to property owners of record within a 500 ft. radius of the perimeter of The Strand property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. On November 19, 2012, staff received one call in support of the project. As of November 20, 2012, no further communication in support or opposition to the request has been received.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

October 31, 2012

**MANDATORY PROCESSING DATE(S):**

December 31, 2012

Conditional Use Permit No. 12-021 was filed on August 28, 2012 and deemed complete on October 31, 2012.

**ANALYSIS:**

The primary issues identified with the proposed uses are related to land use compatibility, outdoor dining, and signage. The following provides a discussion of these issues:

The Strand Development was approved with 40,000 square feet of restaurant uses. The existing 6,000 square foot vacant lease space is being divided for use by two proposed restaurants. Bruxie will occupy the corner lease space fronting both 5<sup>th</sup> Street and Walnut Avenue. The proposed hours of operation is from 8:00 AM to 10:00 PM Monday through Sunday. No alcoholic beverage sales or consumption is proposed in the Bruxie suite. This open air restaurant concept is compatible with the goals of the Specific Plan to create an active urban environmental. Parking is not impacted with the opening of this restaurant as the use was anticipated in the original Strand development approval as stated in the Background section of this report.

An important feature of this restaurant concept is the outdoor dining area. Large windows will open to the outdoor dining area providing indoor and outdoor counter space as well as table seating. The take out window is placed along the 5<sup>th</sup> Street elevation. The take out window queuing is designed so as to maintain the required primary 10 foot wide path of travel along the 5<sup>th</sup> Street sidewalk. Therefore, the dining area does not encroach into the pedestrian pathway.

The forty square foot outdoor seating area on Walnut Avenue is placed within the five foot setback area from the property line. Staff and the Police Department were initially concerned that the pedestrian path of travel would be negatively impacted by outdoor seating because of the existing planters, landscaping and street furniture on Walnut Ave. The Specific Plan requires that a minimum of 6 ft. wide free and clear pedestrian pathway be maintained. Staff believes this standard can be met by recessing the fixed outdoor seating by one foot to maintain a 6 ft. minimum. Also by relocating the planters currently found adjacent to the building, which currently reduce the pathway to four feet eleven inches as measured from in ground planters to the potted plants the minimum 6 ft. distance can be maintained. Additionally, the fixed seating will not allow patrons to rearrange the seating to potentially obstruct the sidewalk.

The benefits of having outdoor dining is that it not only adds to the potential success of the restaurant, by providing year round dining it also could potentially contribute to the success of surrounding businesses by having more shoppers in the area. Canopies at a height of twelve feet, two inches are designed to provide shelter for outdoor diners. Along the Walnut side, the canopies project six and one-half feet from the building (1 ½ ft encroachment of public right of way). On 5<sup>th</sup> Street the projection is from 10 to 12 ½ feet from the building over the 22 ft, 3 inch sidewalk. Also, these climate controlled canopies ensure that the outdoor space can be used year round. The canopies will accommodate the proposed signage with the exception of the proposed blade/projecting sign.

### *Design Review Board Discussion*

The Design Review Board recommended approval of the planned sign program amendment to allow incidental signs in addition to the business, blade/projecting signs and logos for the Bruxie restaurant. Two canopies are proposed for the restaurant facing both 5<sup>th</sup> Street and Walnut Avenue and accommodate various signs. Also, both canopies are placed to provide shelter from the elements for customers. The applicant proposes only incidental signage for the Walnut canopy, which will read, "Breakfast, Lunch, Dinner and Dessert." The planned sign program currently restricts signage to only business identification and logos. Therefore, the applicant is requesting an amendment to allow additional incidental signage on the canopies and DRB approved this request.

The second signage amendment request is for a projecting sign proposed on 5<sup>th</sup> Street. The sign would project 12 feet from the building using a steel angled support at a height of 31 feet, 10 inches with a 16 square foot can sign suspended from the support beam at 25 feet in height. Staff does not support this sign because it is not pedestrian oriented and is not in keeping with the character of the existing signage of The Strand. However, staff has recommended several alternatives for consideration. The first is to utilize the Walnut canopy to install a business identification sign, which is more pedestrian oriented and would not require an amendment to the planned sign program.

The next option, proposed by the property owners, was to use the existing project blade sign, which reads The Strand, and relocate it from Walnut Street to the corner of 5<sup>th</sup> and Walnut. However, this option is not supported by the applicant. The applicant wants vehicular and pedestrian visibility from Pacific Coast Highway and believes that the proposed projecting sign will accomplish this and further states that the support beam is designed to mirror the public art piece on 5<sup>th</sup> Street. The planned sign program limits blade/projecting signs to six square feet. The proposed 16 square foot blade/projecting sign in lieu of a six square foot blade/projecting sign permitted by the planned sign program requires a sign code exception from the Design Review Board. Because of the significance of the signage type, staff is informing the Planning Commission that a sign code exception application to the Design Review Board is required for the large blade sign depicted in the applicant's elevations (Attachment No. 2).

### **SUMMARY:**

Staff supports the proposed restaurant and outdoor dining within The Strand development. Staff recommends approval Conditional Use Permit No. 12-021 based on the following:

- Proposed restaurant will be consistent with the Mixed-Use General Plan Land Use designation.
- Proposed outdoor dining activating the pedestrian experience with climate controlled canopies will comply with the Downtown Specific Plan.
- Proposed restaurant and outdoor dining is consistent with the visitor-serving category of the Downtown Specific Plan to approve and support commercial activities that serve the needs of the surrounding community.
- Proposed hours of operation are in keeping with The Strand development and will not create adverse noise or safety impacts to the surrounding businesses and residents.

- Proposed restaurant will be compatible with surrounding uses as adequate pedestrian circulation will be maintained.
- Proposed project as conditioned complies with the based district parking provisions and public open space requirements specified in the Downtown Specific Plan.

**ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval
2. Site Plans, floor plans and elevations received and dated November 19, 2012
3. Code Requirements Letter dated November 9, 2012 (for informational purposes only)
4. Project Narratives dated August 3, 2012

## ATTACHMENT NO. 1

### SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

#### CONDITIONAL USE PERMIT NO. 12-021

#### 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. 12-021:

1. Conditional Use Permit No. 12-021 for the establishment, maintenance, and operation of the 2,575 sq. ft. Bruxie Gourmet Waffle restaurant is located within The Strand development. The proposed hours of 8:00 AM to 10:00 PM Monday through Sunday is in keeping with surrounding restaurants in District 1 of the Downtown Specific Plan and therefore will not negatively impact the area. The proposed use will not create adverse noise or safety impacts to the surrounding businesses and residents based on the hours of operation and no alcohol sales are proposed.
2. The proposed restaurant and outdoor dining will be compatible with surrounding uses because the 40 square foot outdoor dining area on Walnut Avenue is within the required five foot setback and a minimum of 6 feet of pedestrian free and clear pathway will remain. The 345 square foot outdoor dining area on 5<sup>th</sup> Street will not encroach into the required 10 foot free and clear pedestrian path. Both sidewalk areas will remain open to pedestrians. The proposed use is consistent with the mixed use development of The Strand and of the commercial uses of the Downtown.
3. The proposed restaurant and outdoor dining 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 uses in the district in which they will be located. The proposed project as conditioned complies with the base district and other applicable provisions including parking. There is no physical expansion of the approved development proposed as part of the request and the uses will comply with all building occupancy/exiting requirements. In addition, the project will comply with the public open space requirements as specified in the Downtown Specific Plan.
4. The granting of the conditional use permit will not adversely affect the General Plan. They are consistent with the Land Use Element designation of Mixed Use Vertical on the subject property including the following policies and objectives identified in the General Plan:

#### A. 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, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

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 15.2.2 Require that uses in the Pedestrian Overlay District be sited and designed to enhance pedestrian activity along the sidewalks. Create visual differentiation of upper and lower floors and distinct treatment of building entrances and use of pedestrian oriented signage.

The proposed use will establish a new restaurant within the Downtown Core District that is consistent with the Land Use Density Schedules for The Strand development and is compatible with surrounding mixed-use development. The additional outdoor seating will assist in the activation of Walnut Avenue and 5<sup>th</sup> Street and further the pedestrian experience in the Downtown.

B. Coastal Element

Policy C 1 Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed use will promote the commercial viability of The Strand and will occupy vacant lease space as a restaurant use with outdoor seating, climate controlled canopies and creative signage.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 12-021:**

1. The site plan, floor plans and elevations received and dated November 19, 2012 shall be the conceptually approved layout with the following modifications:
  - a. The outdoor dining area on Walnut Avenue shall be reduced by one foot and recessed into the building where necessary in order to maintain a minimum of a 6 foot pedestrian free and clear pathway.
  - b. Potted planters on Walnut Avenue shall be relocated to provide a minimum of 6 ft. for better pedestrian circulation on Walnut.
2. An encroachment permit shall be obtained for the one and one-half foot canopy projection of the public right-of-way.

3. Outdoor dining shall have only fixed seating. **(DRB)**
4. Construction/tenant improvements shall not interfere with scheduled City events. Applicant shall contact Community Service prior to commencement. **(CS)**
5. Applicant should check with the Community Services Department and downtown BID to make sure that construction activity is not in conflict with scheduled Specific events or other downtown events. **(CS)**
6. Parking meters on Walnut Street to the north of the project should be kept available for use by the public during construction activity. **(CS)**
7. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).
8. Applicant shall apply for a Sign Code Exception to amend the planned sign program to allow a sign that exceeds the allowable square feet restricted in Planned Sign Program No. 04-07 (R), number of signs or changes as stated in the Huntington Beach Zoning and Subdivision Ordinance, Chapter 230 Signs.

**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.



RECEIVED

NOV 19 2012

Dept. of Planning & Building

These drawings are submitted for review and approval by the authority having jurisdiction. The applicant is responsible for obtaining all necessary permits and for providing all required information. The authority having jurisdiction is not responsible for the accuracy or completeness of these drawings.

PROJECT NO. 1000 VICTORIA, HUNTINGTON BEACH, CA

DATE: 11/15/12

SCALE: AS SHOWN

PROJECT: GOURMET WAFFLE SANDWICHES

OWNER: BRUXIE

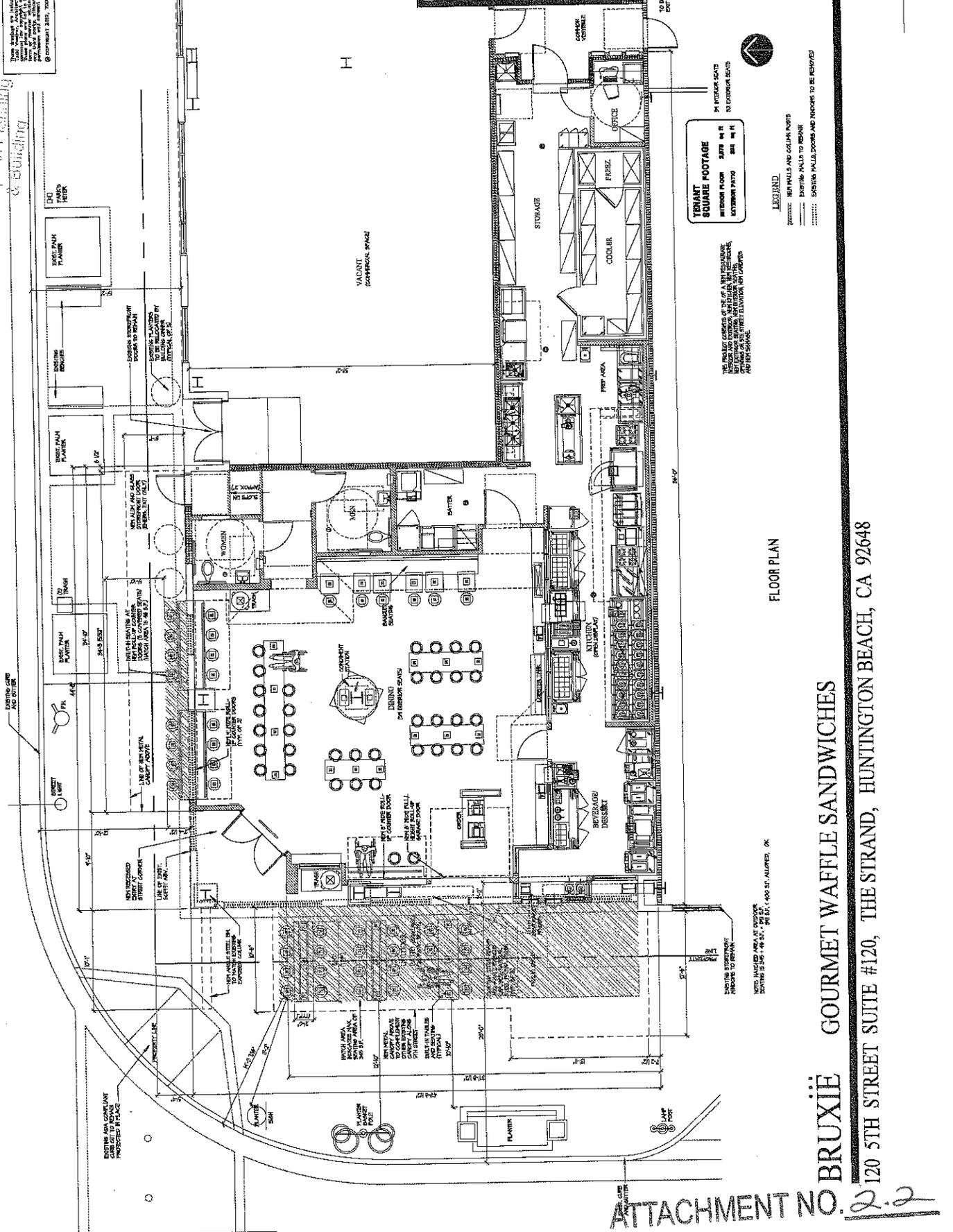
ARCHITECT: U.S. VOELKER ARCHITECTURE

DATE: 11/15/12

PROJECT NO. 1000 VICTORIA, HUNTINGTON BEACH, CA

DATE: 11/15/12

SCALE: AS SHOWN



FLOOR PLAN

# BRUXIE GOURMET WAFFLE SANDWICHES

120 5TH STREET SUITE #120, THE STRAND, HUNTINGTON BEACH, CA 92648

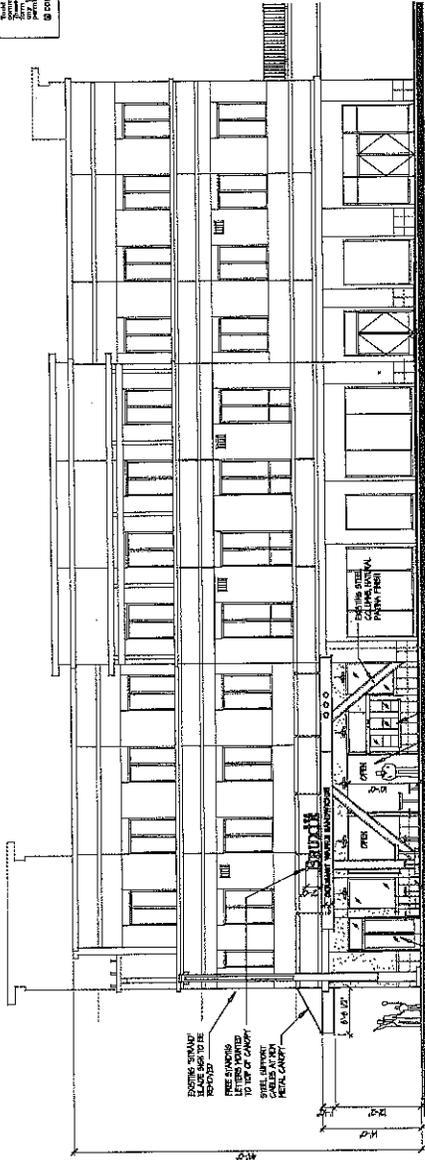
ATTACHMENT NO. 2.2

RECEIVED

NOV 19 2012

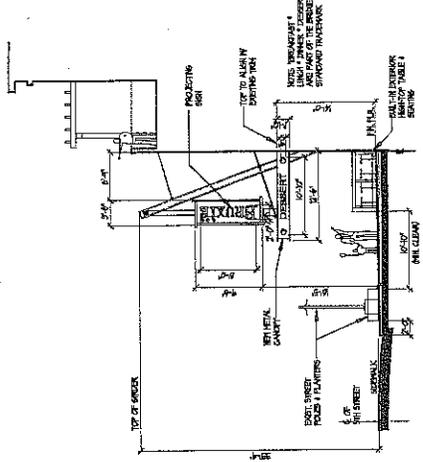
Dept of Planning & Building

THIS ARCHITECTURAL DRAWING IS THE PROPERTY OF T.S. VOELKER ARCHITECTURE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR REPRODUCTION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF T.S. VOELKER ARCHITECTURE IS STRICTLY PROHIBITED.

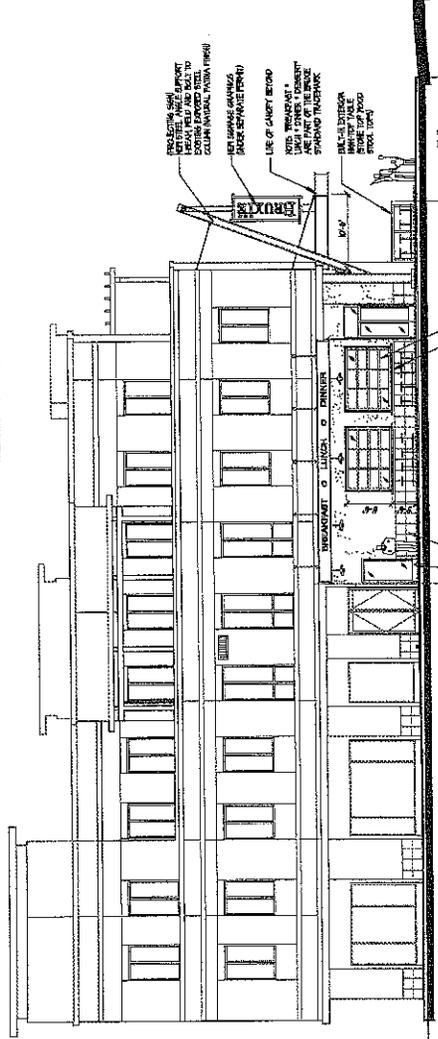


5TH STREET ELEVATION

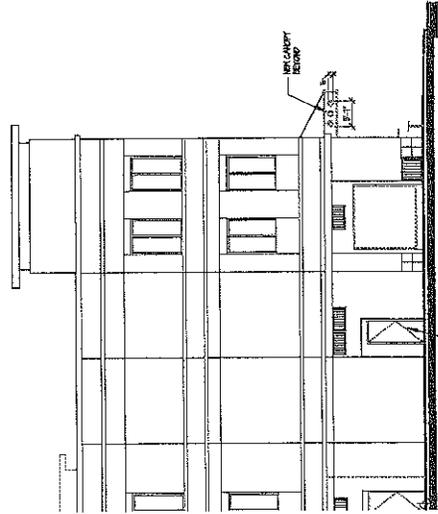
ALLOWED SIGNAGE PER SIGN PROGRAM DATED APRIL 2008  
5TH STREET: 4800 SQ. FT. - 100% - AFTER OR ALLOWED  
"TOTAL" CANOPY FOR SIGN OR "MAX SIGN  
"TOTAL" CANOPY FOR SIGN OR "MAX SIGN  
"TOTAL" CANOPY FOR SIGN OR "MAX SIGN  
WALNUT: 4800 SQ. FT. - 100% - AFTER OR ALLOWED  
"TOTAL" CANOPY FOR SIGN OR "MAX SIGN  
"TOTAL" CANOPY FOR SIGN OR "MAX SIGN  
"TOTAL" CANOPY FOR SIGN OR "MAX SIGN  
PROJECTING SIGN: 40' x 40' - 8 SQ. FT. - SEE ALLOWED  
SIGNAGE PER SIGN PROGRAM DATED APRIL 2008  
WALL MOUNTED SIGNAGE PER SIGN PROGRAM DATED APRIL 2008



SECTION / PCH VIEW



WALNUT ELEVATION



ALLEY ELEVATION

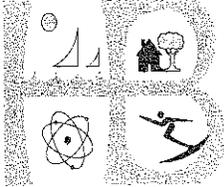


T.S. VOELKER  
ARCHITECTURE  
11000 CENTURY AVE.  
SUITE 200  
SAN DIEGO, CA 92120  
PH: 619.591.1000

# BRUXIE GOURMET WAFFLE SANDWICHES

120 5TH STREET SUITE #120, THE STRAND, HUNTINGTON BEACH, CA 92648





# 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

November 9, 2012

Building Division

714.536.5241

T. S. Voelker Architecture, Todd Voelker,  
14988 Sand Canyon Ave., Studio 2,  
Irvine, CA 92618

**SUBJECT: CONDITIONAL USE PERMIT NO. 12-21; DESIGN REVIEW NO. 12-16;  
PLANNED SIGN PROGRAM NO. 12-06 (BRUXIE GOURMET WAFFLES)**

Dear Mr. Voelker,

Attached please find applicable code requirements for the subject project. While the majority of the code requirements have remained as initially disclosed to you, the Planning Division has completed its list of code requirements based on the October 11, 2012 submittal. The applicable city policies, standard plans, and the Downtown Specific Plan (SP 5) development and use requirements are incorporated 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 SP 5 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 [rmedel@surfcity-hb.org](mailto:rmedel@surfcity-hb.org) or 714-374-1684 and/or the respective source department (contact person below).

Sincerely,

Rosemary Medel,  
Associate Planner

Enclosure(s)

Planning Division Requirements 714 374-1684  
Building Division Requirements 714 374-1792  
Fire Department 714 536-5564  
Steve Bogart – Public Works Dept 714 374-1692

Herb Fauland, Planning Manager  
Jason Kelley, Planning Division  
Mark Carnahan, Building Division

ATTACHMENT NO. 3-1



## HUNTINGTON BEACH PLANNING DIVISION

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** OCTOBER 26, 2012

**PROJECT NAME:** BRUXIE GOURMET WAFFLES

**PLANNING APPLICATION NO.** PLANNING APPLICATION NO. 12-133

**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 12-016 AND DESIGN REVIEW NO. 12-006, PLANNED SIGN PROGRAM NO. 12-06 (BRUXIE GOURMET WAFFLES SANDWICHES)

**DATE OF PLANS:** OCTOBER 11, 2012

**PROJECT LOCATION:** 155 5<sup>TH</sup> STREET, STE 120 (THE STRAND)

**PLAN REVIEWER:** ROSEMARY MEDEL

**TELEPHONE/E-MAIL:** (714) 374-1684

**PROJECT DESCRIPTION:** TO PERMIT THE TENANT IMPROVEMENT OF AN EXISTING LEASE SPACE FOR THE BRUXIE GOURMET WAFFLE SANDWICHES BUSINESS WITHIN THE STRAND DEVELOPMENT. IMPROVEMENT WILL INCORPORATE ROLL-UP DOORS CREATE AN OPEN AIR GROUND LEVEL CONCEPT ALONG BOTH WALNUT AND 5<sup>TH</sup> STREET. A NEW CANOPY WILL BE ADDED TO THE EXISTING FAÇADE TO CREATE A COVERED OUTDOOR DINING AREA. A PLANNED SIGN PROGRAM IS INCLUDED IN THE REQUEST.

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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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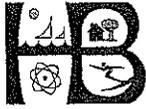
#### CONDITIONAL USE PERMIT NO. 12-021/DESIGN REVIEW NO. 12-016/PLANNED SIGN PROGRAM NO. 12-06 :

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design with the following modifications:
  - a. 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 right-of-ways. 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.

- b. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of 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 proposed screening must be submitted for review and approval with the application for building permit(s).
  - c. 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 integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
1. The use shall be subject to Chapter 5.44 of the Huntington Beach Municipal Code (HBMC). Section 5.44.010(a) of the HBMC prohibits prerecorded ambient music from being audible at a distance of no more than ten feet from any portion of the exterior of the restaurant.
  2. Prior to submittal for building permits, Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works 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.
  3. 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, 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 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.
  4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
  5. Conditional Use Permit No. 2012-021 shall not become effective until the ten calendar day appeal period from the Planning Commission approval of the entitlements has elapsed.
  6. Conditional Use Permit No. 2012-021 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
  7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 2012-021 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
  8. The 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.

9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
10. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
11. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.
12. Live entertainment and/or dancing shall not be permitted unless a conditional use permit for this specific use is reviewed and approved.
13. Planned sign program shall be amended to reflect the approved signage from the Planning Commission and/or Design Review Board.



## CITY OF HUNTINGTON BEACH

### PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

#### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** 8/30/12

**PROJECT NAME:** BRUXIE GOURMET WAFFLE SANDWICHES

**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 12-021, DESIGN REVIEW NO. 12-016,  
PLANNED SIGN PROGRAM NO. 12-016

**PLNG APPLICATION NO:** 2012-0133

**DATE OF PLANS:** 8/2/12

**PROJECT LOCATION:** 155 5<sup>TH</sup> STREET, SUITE 120, HUNTINGTON BEACH, CA 92648

**PROJECT PLANNER:** ROSEMARY MEDEL, ASSOCIATE PLANNER

**TELEPHONE/E-MAIL:** (714) 374-1684 [RMEDEL@SURFCITY-HB.ORG](mailto:RMEDEL@SURFCITY-HB.ORG)

**PLAN REVIEWER:** JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT 

**TELEPHONE/E-MAIL:** 714-536-5509 / [JOSHUA.MCDONALD@SURFCITY-HB.ORG](mailto:JOSHUA.MCDONALD@SURFCITY-HB.ORG)

**PROJECT DESCRIPTION:** TO PERMIT THE TENANT IMPROVEMENT OF AN EXISTING LEASE SPACE FOR THE BRUXIE GOURMET WAFFLE SANDWICHES BUSINESS WITHIN THE STRAND DEVELOPMENT. IMPROVEMENT WILL INCORPORATE ROLL-UP DOORS CREATE AN OPEN AIR GROUND LEVEL CONCEPT ALONG BOTH WALNUT AND 5<sup>TH</sup> STREET. A NEW CANOPY WILL BE ADDED TO THE EXISTING FAÇADE TO CREATE A COVERED OUTDOOR DINING AREA. A PLANNED SIGN PROGRAM IS INCLUDED IN THE REQUEST.

Public Works has reviewed the subject project and plans (dated August 2, 2012) and has no comments.

10/19/2012

Planning Application No: 2012-133  
Project Location: 155 5<sup>th</sup> Street, #120  
Project Planner: Rosemary Medel  
Plan Reviewer: Khoa Duong, P.E.  
(714) 872-6123/khoa@csgengr.com

**I. SPECIAL CONDITIONS:**

1. None

**II. CODE ISSUES 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 2010 California Building Code (CBC), 2010 California Mechanical Code (CMC), 2010 California Plumbing Code (CPC), 2010 California Electrical Code (CEC), 2010 California Energy 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 proposed building Data -
  - Show type of building construction. Chapter 5 of CBC
  - Show proposed occupancy group(s). Chapter 3 of CBC
  - Show the building area analysis. Section 506 of CBC
3. Existing accessible parking stall(s) –
  - a. The number of accessible parking spaces must comply with Table 11B-6 of CBC. Please specify on plans the number of parking stalls within the lot, and the number of accessible parking stalls provided.
  - b. Show location of accessible parking stalls.
4. Please provide egress plan.
  - a. Show the occupant load and occupant load factors to be used in each room/area.
  - b. The occupant load factors shall comply with Table 1004.1.1 of CBC
  - c. The egress system serving group A occupancy must comply with Section 1028 of CBC
  - d. The required egress width must comply with Section 1005 – CBC
  - e. The number of exit and exit access doorways must comply with Section 1015 of CBC
  - f. Show exit paths of travel along with distances of travel.
5. All restrooms must comply with Section 1115B of CBC.
  - a. Women –
    - At toilet room door, in direction of door swing, provide 5' clear space in front of the door. Please show the required clear space on Floor plan.
    - Provide 48" clear space in front of water closet. Please show the required clear space on Floor plan.
  - b. Men –

ATTACHMENT NO. 3.6

- Provide 48" clear space in front of water closet. Please show the required clear space on Floor plan.
6. For mixed use and occupancy, please comply with Section 508.
  7. Accessible ramp adjacent to Women's room –
    - a. Ramp must comply with Section 1133B.5.
    - b. Top landing shall have a minimum length of 5'.
    - c. Bottom landing shall have a minimum length of 6'.
  8. The number of wheelchair seating spaces must comply with Section 1104B.5.
  9. Please check the number of plumbing fixture to comply with Table 4-1 of CPC.
  10. Please contact me or our office to review preliminary code analyses to examine any possible building code issue that may arise.

**III. COMMENTS:**

1. Planning and Building Department encourage the use of pre submittal zoning applications and building plan check meetings.
2. In addition to all of the code requirements of the 2010 California Green Building Standards Code, specifically provide a Construction Waste Management Plan per Sections 4.408.2 and 5.408.1.1.

# BRUXIE

GOURMET WAFFLE SANDWICHES

RECEIVED  
AUG 09 2012  
Dept. of Planning  
& Building

July 18, 2012

To: The City of Huntington Beach  
Re: Bruxie at The Strand

Bruxie, Gourmet Waffle Sandwiches opened in historic Old Towne Orange in November of 2010. Since opening, Bruxie has captured the imagination and created a loyal following of foodies. Bruxie was ranked second in the nation for food quality and service by Yelp in 2011. Bruxie currently operates three locations (Orange, Brea and Rancho Santa Margarita). We believe Huntington Beach is an ideal location for our unique fast casual dining concept. While relatively new to the marketplace, Bruxie's management team is not. Bruxie's management team is led by chefs, Dean Simon and Kelly G. Mullarney. Both have worked in Southern California and have been friends for over 25 years. Combined, the duo has over 50 years of foodservice experience.

Bruxie's diverse menu in addition to our signature Gourmet Waffle Sandwiches includes gourmet barista coffee, pure cane sugar sodas and Wisconsin frozen custard. Bruxie will be open 7 days a week including breakfast, lunch, dinner and dessert. Hours of operation will be 8:00AM to 10:00PM. Bruxie does not serve alcoholic beverages and is a destination for families with children and adults of all ages. There will be new roll-up doors and windows, covered outdoor seating with fans, heaters and speakers for light ambient music. We believe Bruxie will be a great addition to the dining opportunities as well as the overall Huntington Beach experience.

Bruxie currently employs 150 full and part-time employees. We anticipate hiring 60+ employees for ~~Bruxie at The Strand and anticipate the majority will be local residents and students. The planned~~ restaurant space for Bruxie at The Strand is 2,575 square feet with an additional 550 square feet of patio. The Bruxie team is committed to serving the highest quality food and offering exceptional customer service.

We would be honored to bring our dynamic concept to Huntington Beach.

Sincerely,

Dean Simon  
Managing Member/CEO  
Bruxie, LLC