



City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Ethan Edwards, AICP, Associate Planner *Ee*
DATE: January 23, 2013

SUBJECT: CONDITIONAL USE PERMIT NO. 12-030 (WAHOO'S RESTAURANT LIVE ENTERTAINMENT)

APPLICANT: Scott Fessenden, 7891 Warner Avenue, Huntington Beach, CA 92647

PROPERTY

OWNER: Michael & Sandra Hughes Trust, 220 Knoxville Street, Huntington Beach, CA 92647

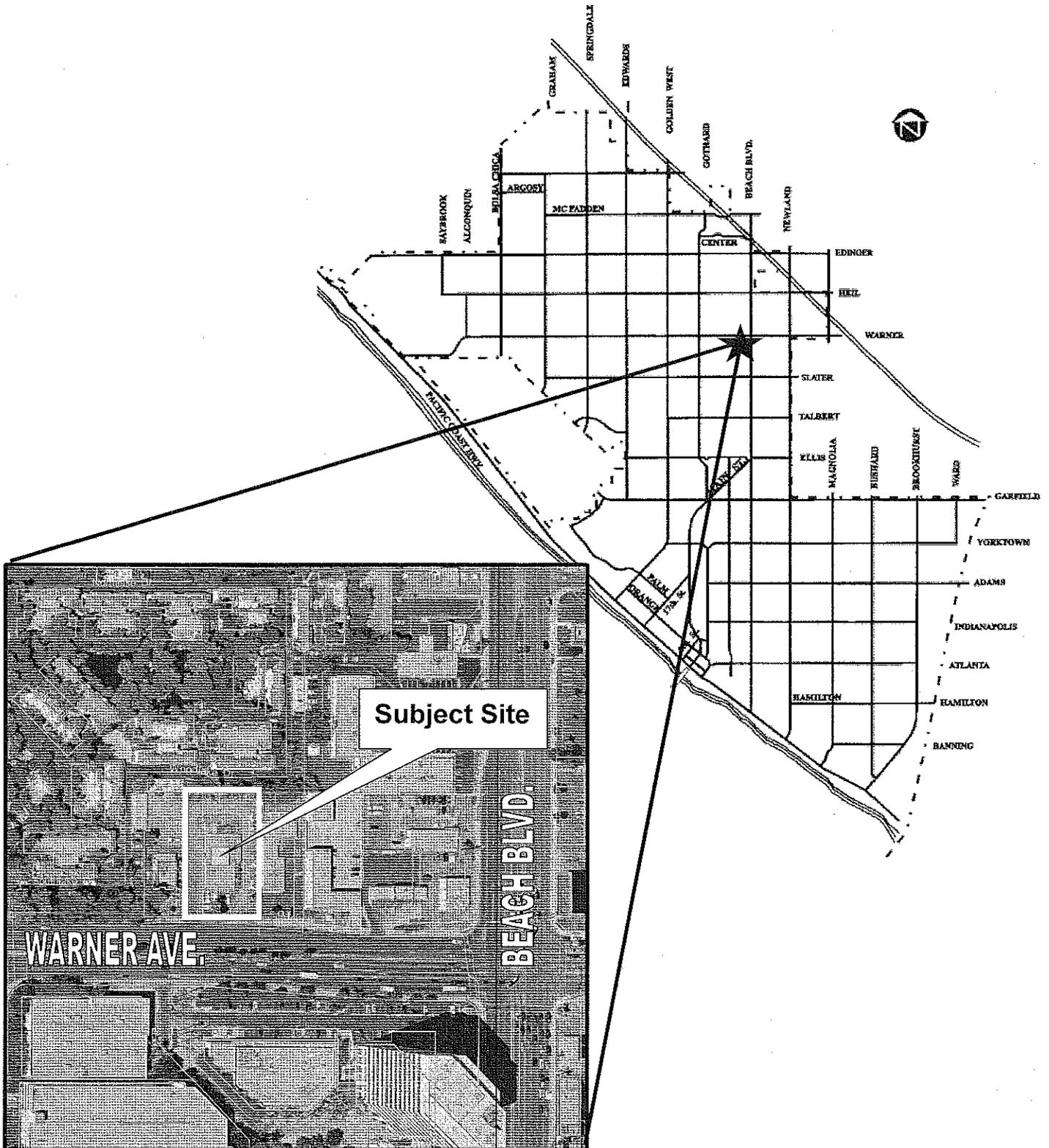
LOCATION: 7891 Warner Avenue, 92647 (north side of Warner Avenue, west of Beach Boulevard)

STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 12-030 request:
 - Permit live entertainment consisting of live music, acoustic guitar, and comedy acts on an approximately 182 sq. ft. stage area within an existing restaurant.
- ◆ Staff's Recommendation:

Approve Conditional Use Permit No. 12-030 based upon the following:

 - Compliance with the General Plan designation of M-sp-d (Mixed Use-Specific Plan Overlay-Design Overlay).
 - Compliance with all minimum development standards including parking.
 - Hours of operation and types of live entertainment and events will not result in significant impacts to the site and surrounding area.
 - No impact to public services, specifically those related to public safety.



VICINITY MAP
CONDITIONAL USE PERMIT NO. 12-030
(WAHOO'S RESTAURANT ENTERTAINMENT – 7891 WARNER AVENUE)

RECOMMENDATION:

Motion to:

- A. "Approve Conditional Use Permit No. 12-030 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. 12-030 with findings for denial."
- B. "Continue Conditional Use Permit No. 12-030 and direct staff accordingly."

PROJECT PROPOSAL:

Conditional Use Permit No. 12-030 represents a request to permit live entertainment consisting of live music, acoustic guitar, and comedy acts on an approximately 182 sq. ft. stage area within an existing restaurant pursuant to Section 2.2.1, Use Types, Eating and Drinking Establishments with Live Entertainment, within the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan (SP14).

The proposal is to include entertainment activities such as local live bands, acoustic guitar, and live comedy performances. Hours of entertainment are proposed as follows:

DAYS	HOURS OF OPERATION
Sunday	10:00 A.M. to 3:00 P.M.
Monday through Thursday	5:00 P.M. to 10:00 P.M.
Friday and Saturday	5:00 P.M. to 12:00 A.M. (midnight)

The proposed entertainment uses are to occur within the existing dining areas by removing some tables and chairs to accommodate an approximately 182 sq. ft. stage area within the northeast corner of the building. All entertainment would be free of charge and augment the overall dining experience.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Site:	M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay)	SP14 (Beach and Edinger Corridors Specific Plan – Town Center Boulevard)	Restaurant
East and West of Subject Property:	M – sp – d	SP14 (Town Center Boulevard)	Commercial & Restaurant
South (across Warner Ave.) of the Subject Property	M – sp – d	SP14 (Neighborhood Boulevard)	Commercial
North of Subject Property:	RM-15 (Residential Medium Density—15	RM (Residential Medium Density)	Multi-Family Residential

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay). The proposed project is consistent with this designation and the goals, policies, 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 sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy – 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 project will permit live entertainment within an existing restaurant. The site is located within the Beach and Edinger Corridors Specific Plan designation and the use is consistent with the Building Use Regulations and compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs for a successful restaurant establishment in a safe manner for customers and residents of the surrounding area.

B. Economic 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.

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

The project is located near a major corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to expand the range of goods and services provided in the area and facilitate continued viability of the restaurant.

Zoning Compliance:

The proposed project is located within the Town Center Boulevard segment of the Beach and Edinger Corridors Specific Plan (BECSP) and the request complies with the requirements of that designation. A restaurant with alcohol service has been operating at this location for over 28 years; however it did not include live entertainment. The proposed live entertainment use requires approval of a conditional use permit by the Planning Commission. The project does not require additional parking spaces because there will be no increase in building area and no dancing is proposed. Therefore, because the intensity of the use remains the same, the existing restaurant with alcohol sales, service and consumption and proposed live entertainment does not constitute an increase in required parking spaces.

Urban Design Guidelines Conformance: Not Applicable.

Environmental Status:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves operation and minor alteration to existing structures involving negligible or no expansion of use.

Coastal Status: Not Applicable.

Redevelopment Status: Not Applicable.

Design Review Board: Not Applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Planning and Building, Fire, and Police have reviewed the application and identified applicable code requirements which have been provided to the applicant and are attached for information purposes only (Attachment No. 4). The Police Department provided suggested conditions to mitigate potential impacts related to the existing use with proposed live entertainment (Attachment No. 5). Additionally, the Police Department has reviewed an application for an Entertainment Permit pursuant to Municipal Code Chapter 5.44 and issued a Conceptual Entertainment Permit (Attachment No. 6). The applicant has reviewed the suggested conditions of approval and proposed entertainment permit conditions and verbally expressed their understanding and willingness to comply with these conditions if approved.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on January 10, 2013, 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), tenants at the commercial center, applicant, and interested parties. As of January 16, 2013, no communication supporting or opposing the request has been received.

Application Processing Dates:

<u>DATE OF COMPLETE APPLICATION:</u>	<u>MANDATORY PROCESSING DATE(S):</u>
January 8, 2013	March 8, 2013

Conditional Use Permit No. 12-030 was filed on October 19, 2012, and deemed complete on January 8, 2013. The application is scheduled for public hearing before the Planning Commission on January 23, 2013.

ANALYSIS:

The proposed live entertainment is located within an existing free-standing restaurant building that has operated a restaurant with alcohol and outdoor dining at this location for over 28 years. The live entertainment request includes: local live bands, acoustic guitar, and live comedy performances. The location of entertainment will be within a maximum 182 sq. ft. stage area inside the restaurant located at the northeast corner as shown on the floor plan (Attachment No. 3). The request for live entertainment is ancillary to the primary restaurant use and will serve to augment the overall dining experience.

An existing multi-family residential building is located approximately 115 feet north of the subject restaurant building. As previously discussed, the proposed live entertainment stage area is within the interior of the restaurant located at the northeast corner. Noise produced from the proposed live entertainment will be oriented in a southerly direction, away from the residential uses to the north. Two rear (emergency exit) doors are located at the north end of the restaurant building and staff suggests a condition of approval that requires these doors to be kept closed at all times during business operations, except as required access for emergency purposes. Also, staff suggests a condition of approval that requires all other perimeter doors (e.g. outdoor dining patio doors, main entrance door, etc.) shall be self-closing and not be held open or ajar during live entertainment to minimize potential noise from escaping the building. Additionally, the applicant's narrative states that the restaurant is in the process of ordering and installing custom sound absorption materials to help mitigate potential noise impacts as well.

The Police Department has reviewed the application pursuant to Municipal Code Chapter 5.44 and issued a Conceptual Entertainment Permit. A condition of approval is suggested that requires submittal of a noise study demonstrating compliance with the City's Noise Ordinance and incorporation of any recommended noise mitigation measures into conditions of an Entertainment Permit prior to commencement of any live entertainment. Moreover, several operating conditions of approval are suggested to ensure the establishment preserves the current restaurant atmosphere, avoids noise disturbances, and complies with City and State law regarding alcohol sales and consumption. The Entertainment Permit includes additional public safety related conditions in order to operate live entertainment including a requirement for at least one security guard for any entertainment after 9:00 PM. The Police Chief maintains the authority to suspend or revoke the required entertainment permit should violations of the entertainment permit conditions or detrimental impacts to the public welfare occur.

The live entertainment at Wahoo's Fish Taco will be required to comply with conditions of approval pertaining to the operation to assure that any potential impacts to the surrounding properties are minimized. With the suggested conditions of approval, the subject request will not result in noise, safety, or compatibility issues. The request to permit live entertainment is consistent with the scope and intent of development in the BECSP designation, supported by the General Plan, and staff recommends approval of the request.

SUMMARY:

Staff recommends approval of the Conditional Use Permit No. 12-030 based upon the following:

- Compliance with the General Plan designation of M-sp-d (Mixed Use-Specific Plan Overlay-Design Overlay).
- Compliance with all minimum development standards including parking.
- Hours of operation and types of live entertainment and events will not result in significant impacts to the site and surrounding area.
- No impact to public services, specifically those related to public safety.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CUP No. 12-030
2. Project Narrative received and dated October 19, 2012
3. Site plan and floor plans received and dated October 19, 2012
4. Code Requirements – Building Division dated November 15, 2012 (for informational purposes only)
5. Police Department's suggested conditions of approval dated January 8, 2013
6. Conceptual Entertainment Permit received and dated January 8, 2012 – Wahoo's Fish Tacos

SH:JJ:EE:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 12-030

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 of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion of use are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 12-030:

1. Conditional Use Permit No. 12-030 to permit live entertainment consisting of live music, acoustic guitar, and comedy acts on an approximately 182 sq. ft. stage area within an existing restaurant building in the Beach and Edinger Corridors Specific Plan zoning designation will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use is regulated by the provisions of Chapter 5.44 of the Huntington Beach Municipal Code and the required Entertainment Permit. As conditioned, the project is required to provide a noise study that shows compliance with the City's Noise Ordinance. The project will be adequately parked and will be wholly contained within the building's interior. The project will not generate significant noise, odors, or other detrimental impacts onto surrounding properties.
2. The live entertainment will be compatible with surrounding uses because it will be located within an existing restaurant and is primarily intended to enhance the experience for patrons. The use is subject to noise regulations to further ensure compatibility with surrounding properties. Other existing live entertainment uses have been established within commercial areas and maintain similar characteristics to existing commercial uses in the surrounding area.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in SP14 (Beach and Edinger Corridors Specific Plan-Town Center Boulevard Segment), Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, and any specific condition required for the proposed use in the district in which it is located. Live entertainment uses are permitted within the zoning district with the approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use-Specific Plan Overlay-Design Overlay) on the subject property. In addition, it is consistent with the following goals and policies of 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.

Policy – 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 project will permit live entertainment within an existing restaurant. The site is located within the Beach and Edinger Corridors Specific Plan designation and the use is consistent with the Building Use Regulations and compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs for a successful restaurant establishment in a safe manner for customers and residents of the surrounding area.

C. Economic 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.

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

The project is located near a major corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to expand the range of goods and services provided in the area and facilitate continued viability of the restaurant.

SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 12-030:

1. The site plan and floor plans received and dated October 19, 2012, shall be the conceptually approved layout.
2. The live entertainment use described in the project narrative dated received October 19, 2012, shall comply with the following:
 - a. The hours of operation for live entertainment shall be limited to: 10:00 A.M. to 3:00 P.M. on Sunday, 5:00 P.M. to 10:00 P.M. Monday through Thursday, and 5:00 P.M. through 12:00 A.M. (midnight) Friday and Saturday. **(PD)**
 - b. Prior to commencing with live entertainment, an Entertainment Permit must be obtained from the Police Department. All conditions contained in the Entertainment Permit shall be adhered to. **(PD)**

- c. Prior to commencing with live entertainment, a sound study shall be prepared by a licensed engineer pursuant to HBMC 5.44.050(5)(b); showing that the proposed entertainment will not create undue noise or violate the City's Noise Control Ordinance (HBMC 8.40). The sound study shall be submitted to the Planning Division and be approved by the Police Department prior to approving an Entertainment Permit. Noise mitigation measures recommended by the sound study shall be incorporated as conditions of the Entertainment Permit. **(PD)**
- d. Dancing shall be prohibited. **(PD)**
- e. All alcoholic beverages shall remain within the interior of the restaurant and bar, or within the confines of the fenced-in patio dining area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). Service of alcoholic beverages for consumption off-site shall not be permitted. A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant/patio area. **(PD)**
- f. 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. **(PD)**
- g. 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)**
- h. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
- i. The rear (north facing) doors shall be kept closed at all times during the operation of the premises except in cases of emergency. Said doors shall not consist solely of a ventilated or security screen door. **(PD)**
- j. All perimeter doors except the rear north facing door (e.g. outdoor dining patio doors, main entrance door, etc.) shall be self-closing and not be held open or ajar during live entertainment.
- k. All owners, employees, representatives, and agents shall 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)**

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.

September 30, 2012

To: The Huntington Beach Planning Commission

Subject: Conditional Use Permit #4939 for Wahoo's Fish Taco Restaurant, 7891 Warner Ave. Huntington Beach, CA. 92647

RECEIVED
OCT 19 2012
Dept. of Planning
& Building

Wahoo's Fish Taco Restaurant located at 7891 Warner Avenue is applying for a conditional use permit allowing the restaurant to have live entertainment inside the restaurant. Wahoo's is a family oriented restaurant serving all demographic age groups but must continually stay connected and relevant to customers by attracting them into Wahoo's and developing them into loyal Wahoo's enthusiasts.

The 4500 sq. ft. restaurant has its full kitchen open seven days a week from 10:30AM to 9:30PM on weekdays and stays open an additional half hour to 10:00PM Friday and Saturday nights. Additionally, a special bar food menu is served until the bar closes. Wahoo's holds a type 47 Liquor License # 517071 issued in May of this year. The bar is open from 11:00AM to 1:00AM seven days a week. The entertainment we seek to provide would include local live bands, Acoustic Guitar and live comedy performances. These acts would begin their performances between 8:30 and 9:00PM in the main dining room and conclude at midnight. These acts are for viewing and listening audiences only and dancing will not be promoted or permitted. To accommodate these performances some tables and chairs would be removed from the dining room and a "stage area" approximately 13' by 14' would be designated on the existing concrete floor at the rear (north end) of the dining room facing out toward Warner Avenue. There is no elevated stage or platform. All performances would be free and occur on the weekend evenings only (Friday and Saturday). No performances would occur Sunday through Thursday nights. The restaurant is also in the process of ordering and installing custom sound absorption materials throughout the facility. It should be noted that there are no windows in the rear wall of the building and the only door is a solid for "Emergency Exit Only" type door. The building has a designated total occupancy rate of 161 people and the occupancy level would remain below this number during all performances as we would rely on word of mouth and point of sale posters in the restaurant to announce upcoming events. As an additional precaution we would hire security to enforce the occupancy rate and insure an orderly entrance and exit from the event. The typical occurrence of music events would be limited to once a month. Many of the events would be charity related with Wahoo's donating funds based on a percent of the restaurants receipts. Wahoo's would welcome the opportunity to provide this venue for any city fund raising activities such as parks, a senior center, animal shelter etc.

It should be noted that Wahoo's held a successful permitted free concert event on June 23, 2012 in the parking lot to celebrate our grand opening that included two live bands performing from a raised stage from 5:00PM to 8:00PM that occurred without incident. During warm up sessions inside the restaurant, the amplified music could barely be heard outside in the back of the facility due to the new construction and replacement of the entire rear wall of the restaurant during remodeling.

ATTACHMENT NO. 21

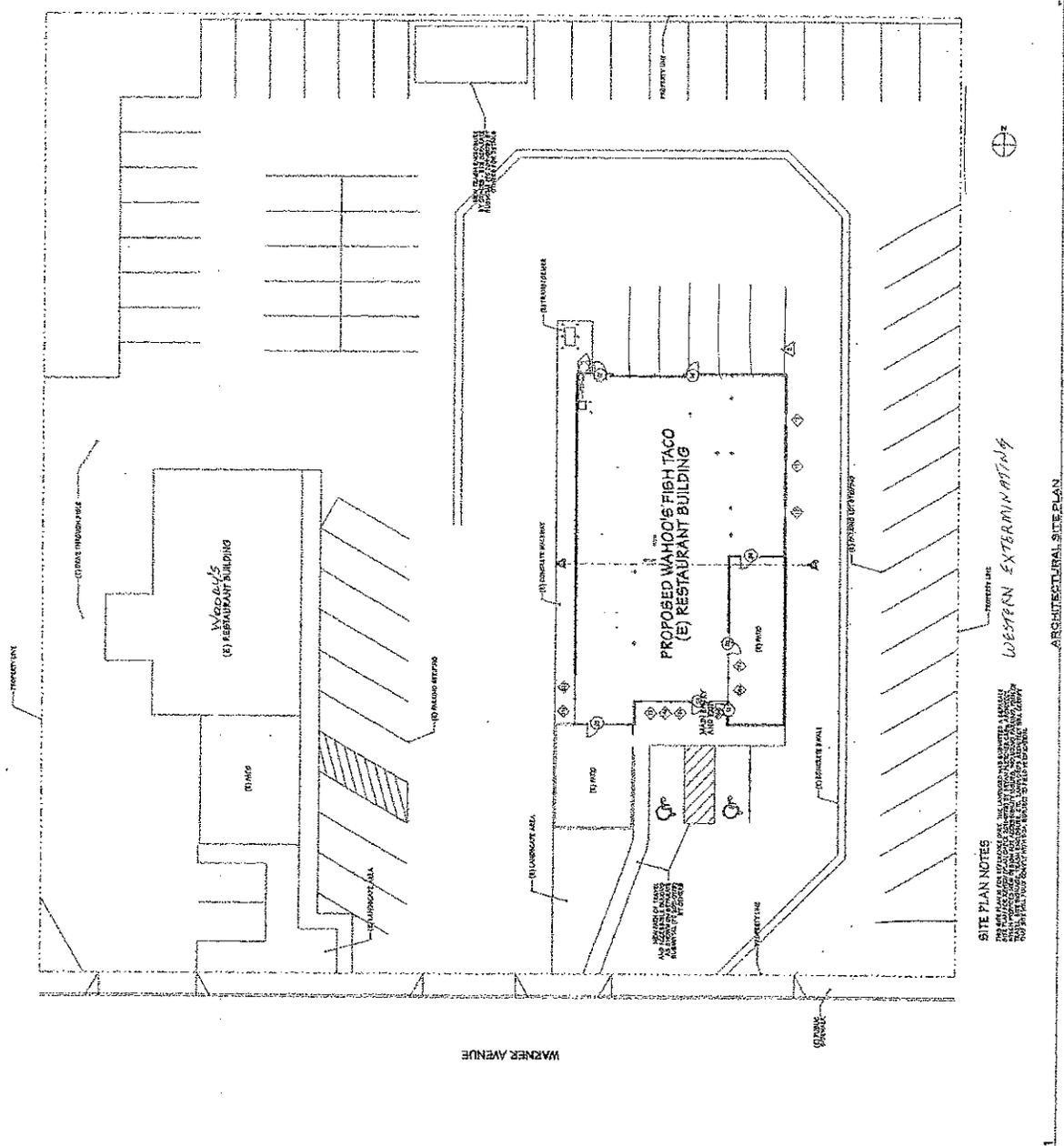
The owners of the Wahoo's restaurant on Warner are very active in the day to day operations of the business and will be on site during all events to insure a safe and responsible venue. Wahoo's believes that by providing this type of safe, family friendly environment for local live performances, it will prove to be an enhancement and benefit to the community of Huntington Beach. We would appreciate the Planning Commission's careful review and consideration of this conditional use permit request and look forward to a favorable response. Additional questions or concerns should be directed to Scott Fessenden, General Manager, Wahoo's Fish Tacos 7891 Warner Ave., Huntington Beach, CA. 92647.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Fessenden", with a long horizontal flourish extending to the right.

Scott Fessenden
General Manager,
Wahoo's Fish Taco,
7891 Warner Avenue
Huntington Beach, CA 92647

949 705 8172 - Cell



WARNER AVENUE

GRAND

SITE PLAN NOTES
 FOR ALL PLANS ON THIS SHEET, THE LANDOWNER HAS GRANTED A PERMIT
 TO THE ARCHITECT TO CONDUCT A VISUAL ANALYSIS OF THE PROPOSED PROJECT
 AND TO PREPARE AND SUBMIT THIS SITE PLAN TO THE LOCAL
 PLANNING AND ZONING COMMISSION FOR REVIEW.

WESTERN EXTERMINATING

ARCHITECTURAL SITE PLAN

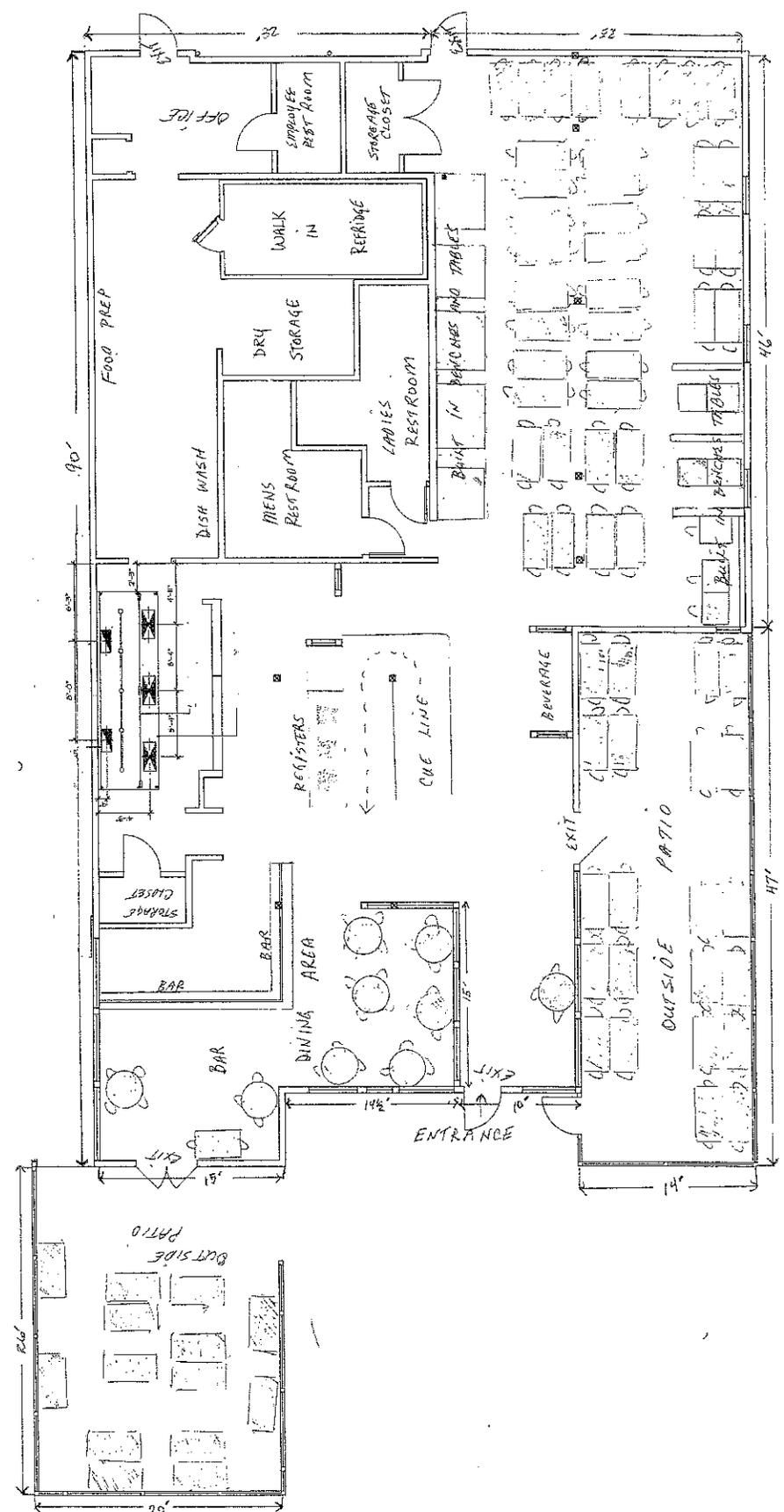


WAHOO'S FISH TACO
 1000 W. WARNER AVENUE, SUITE 100
 BEACH, CALIFORNIA 92606
 (714) 435-1111

Kenner & Macle ARCHITECTS
 1000 W. WARNER AVENUE, SUITE 100
 BEACH, CALIFORNIA 92606
 (714) 435-1111

Architectural Site Plan
SP-1

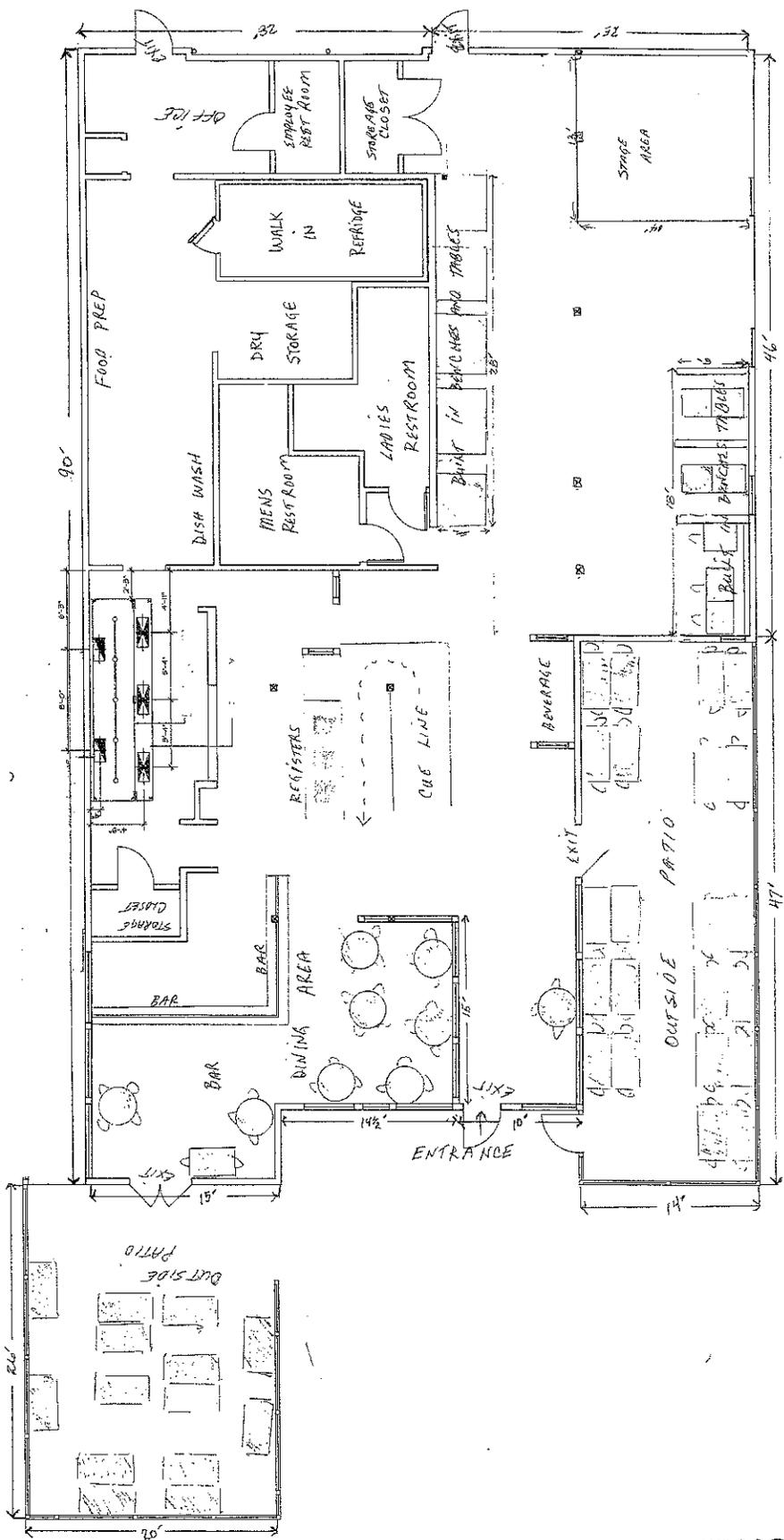
WAHOO'S FLOOR PLAN SHOWING REQUIRED RESTAURANT OPERATIONS



ATTACHMENT NO. 3.3

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WAHOO'S FLOOR PLAN DURING ENTERTAINMENT EVENTS
 WITH DINING CHAIRS/TABLES REMOVED
 STAGE AREA DEFINED





HUNTINGTON BEACH BUILDING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: NOVEMBER 15, 2012

PROJECT NAME: WAHOO'S FISH TACO LIVE ENTERTAINMENT

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 12-197

ENTITLEMENTS: CUP NO. 12-030

DATE OF PLANS: OCTOBER 19, 2012

PROJECT LOCATION: 7891 Warner Avenue, 92647 (north side of Warner Avenue. west of Beach Boulevard)

PLAN REVIEWER: KHOA DUONG, P.E

TELEPHONE/E-MAIL: (714) 872-6123/KHOA@CSGENGR.COM

PROJECT DESCRIPTION: To permit live entertainment including bands, acoustic guitar, and comedy shows at an existing restaurant.

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 upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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 Residential Code, 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 complete Site – Or provide an approved site plan for references.
 - a. Show location of all curb ramps and truncated domes within the accessible paths of travel.

- b. Existing accessible parking stalls must comply with Section 1129B of 2012 CBC.
- 3. Existing restrooms must be accessible to disabled persons. Please provide toilet room layout plans with full dimensioned to show how they comply with Section 1115B of 2010 CBC.
- 4. Provide wheelchair seating spaces per Section 1104B.5.
- 5. Please contact me or our office for a preliminary review of code analysis to examine any possible building code issues 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.



HUNTINGTON BEACH POLICE DEPARTMENT

SUGGESTED CONDITIONS OF APPROVAL

DATE: JANUARY 8, 2013, 2012

PROJECT NAME: WAHOO'S FISH TACO LIVE ENTERTAINMENT

PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 12-197

ENTITLEMENTS: CUP NO. 12-030

DATE OF PLANS: OCTOBER 19, 2012

PROJECT LOCATION: 7891 Warner Avenue, 92647 (north side of Warner Avenue. west of Beach Boulevard)

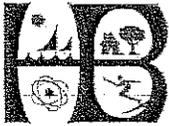
PLAN REVIEWER: STEVEN FONG – DETECTIVE/PD VICE UNIT

TELEPHONE/E-MAIL: (714) 536-5960, SFONG@HBPD.ORG

PROJECT DESCRIPTION: To permit live entertainment including bands, acoustic guitar, and comedy shows at an existing restaurant.

SUGGESTED CONDITIONS OF APPROVAL:

1. Prior to any live entertainment, a sound study shall be prepared by a licensed engineer pursuant to HBMC 5.44.050(5)(b); showing that the proposed entertainment will not create undue noise or violate the City's Noise Control Ordinance (HBMC 8.40). The sound study shall be submitted to the Planning Division and be approved by the Police Department prior to approving entertainment.
2. Dancing shall be prohibited.
3. All alcoholic beverages shall remain within the interior of the restaurant and bar, or within the confines of the fenced-in patio dining area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). Service of alcoholic beverages for consumption off-site shall not be permitted. A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant/patio area.
4. 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.
5. 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.
6. No loitering shall be permitted within the vicinity of any entrances and exits at any time.
7. The rear (north facing) door shall be kept closed at all times during the operation of the premises except in cases of emergency. Said door shall not consist solely of a ventilated or security screen door.
8. All owners, employees, representatives, and agents shall 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

2000 MAIN STREET
P. O. BOX 70

POLICE DEPARTMENT

KENNETH W. SMALL
Chief of Police

CALIFORNIA 92648

Tel: (714) 960-8811

RECEIVED

JAN 08 2013

Dept. of Planning
& Building

CONCEPTUAL ENTERTAINMENT PERMIT

ADDITIONAL ACTIONS ARE REQUIRED BY APPLICANT

This document DOES NOT permit entertainment at the listed establishment. This document only provides the proposed conditions for your future Entertainment Permit pursuant to the approval of a conditional use permit. Prior to entertainment being allowed at the establishment, the applicant must agree to and complete (where necessary) the noted conditions. The establishment must then apply for and obtain a dated, annual Entertainment Permit from the Police Department.

Issued to: **Wahoo's Fish Tacos**
7891 Warner Avenue
Huntington Beach, CA 92627

CONDITIONS (16 total):

1. Hours of Entertainment:

Sunday:	10:00 AM to 3:00 PM
Monday through Thursday:	5:00 PM to 10:00 PM
Friday and Saturday:	5:00 PM to Midnight
2. Types of Entertainment: Limited to a vocalist, comedians, karaoke, live bands (up to 6 performers).
3. Dancing is not permitted by anyone.
4. The tables and chairs in the Main Dining Room may only be reconfigured or removed to allow for the stage or area for Entertainers designated as "Stage Area" on Attachment #1. Tables and chairs in the Main Dining Room shall not be reconfigured or removed to create an open "standing-room only" or dance floor area for customers.
5. Food service from the regular menu must be available to patrons up to sixty (60) minutes before the scheduled closing time.
6. No games or contest requiring or involving the consumption of alcoholic beverages shall be permitted.
7. All entertainment must cease no less than 30 minutes prior to the posted or scheduled closing time, and no later than the time authorized by this permit.
8. No cover charge or admission fee will be allowed.
9. All exterior doors and windows shall be closed during times of entertainment.
10. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
11. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed after 7:00 p.m. each day of the week.
12. All exterior doors and windows shall be closed during times of entertainment.
13. All live entertainment must remain inside the establishment at all times. Entertainment is prohibited in the outside patio area.
14. Security Guards: At least one when entertainment is present. When entertainment is present past 9:00 PM, at least one security guard must be present in the rear (north) parking area at the

conclusion of entertainment until 30 minutes past the time of closing to monitor noise levels and maintain the peace.

15. All security guards must be clearly identifiable as security guards and possess a valid California Guard Card.
16. The licensee or any representatives of the licensee may not pay a promoter for services based upon occupancy or attendance to an event.
17. 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, or any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. Violations of any law or conditions of the Conditional Use Permit will be considered a violation of this permit under § 5.44.015(c) of the Huntington Beach Municipal Code.

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

Issued: CONCEPTUAL PERMIT



Kenneth W. Small
Chief of Police