



City of Huntington Beach Planning and Building Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Andrew Gonzales, Associate Planner *AG*
DATE: November 8, 2011

SUBJECT: CONDITIONAL USE PERMIT NO. 11-010 (VITTORIO'S RESTAURANT EXPANSION)

**APPLICANT/
BUSINESS**

OWNER: Frank Tahvildari, 5921 Warner Avenue, Huntington Beach, CA 92649

PROPERTY

OWNER: Kitsigianis Properties, 3903 Ridgemont Drive, Malibu, CA 90265

LOCATION: 5921 Warner Avenue, 92649 (northwest corner of Springdale Street and Warner Avenue)

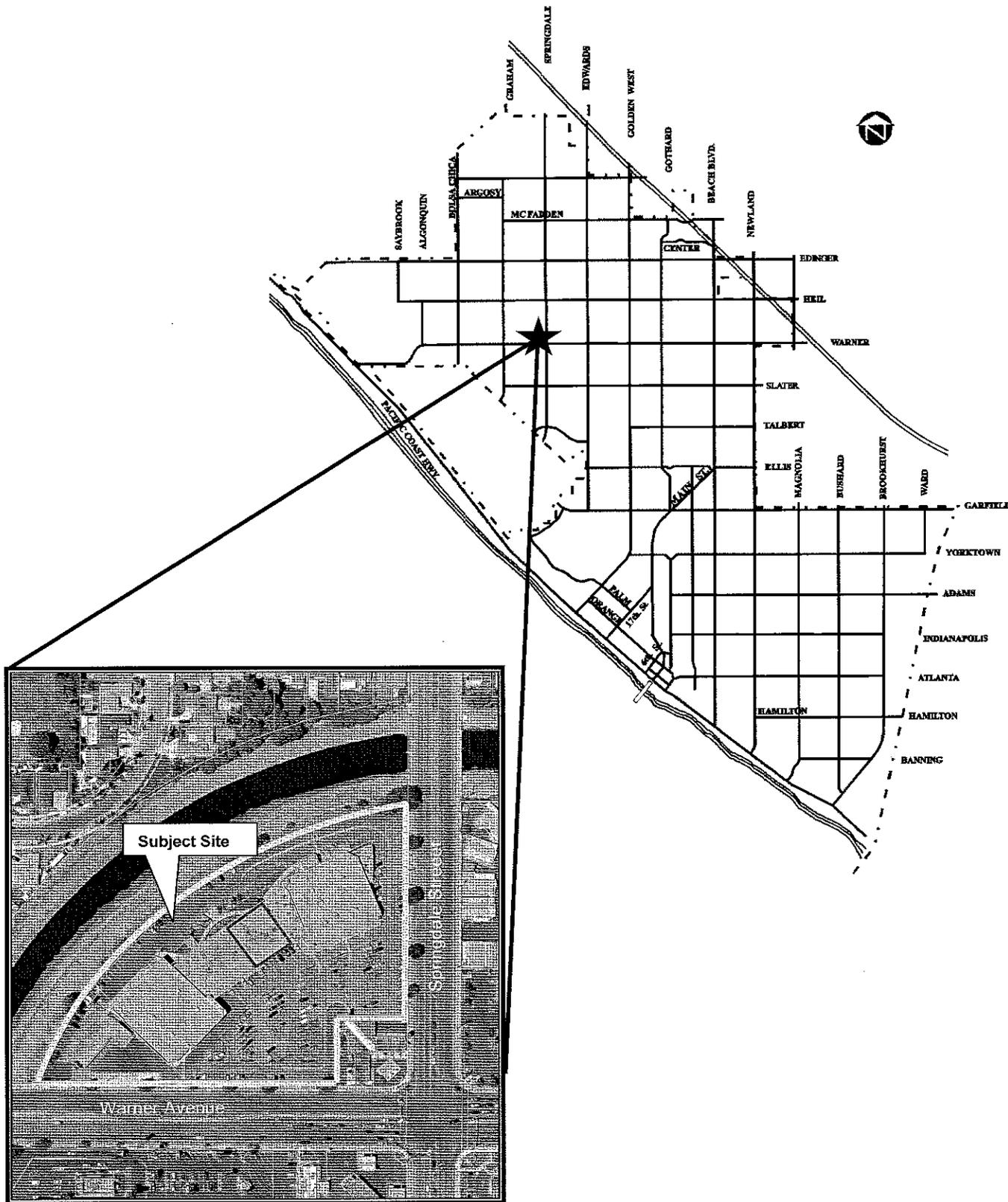
STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 11-010 request:
 - To permit the expansion of the existing 3,200 sq. ft. restaurant into an approximately 962 sq. ft. adjoining vacant commercial unit consisting of additional indoor dining area and a 890 sq. ft. outdoor dining area;
 - To permit a 70 sq. ft. band/stage area that will host live entertainment activities consisting of karaoke and a piano bar;
 - To permit dancing on a 120 sq. ft. dance floor; and
 - To permit the onsite sales, service, and consumption of alcoholic beverages within the expanded restaurant area and outdoor dining area.

- ◆ Staff's Recommendation:

Approve Conditional Use Permit No. 11-010 based upon the following:

 - The proposed use is in compliance with the General Plan designation of Commercial General.
 - The project is in compliance with all minimum development standards including parking, setbacks, and floor area ratio.
 - The restaurant expansion and related ancillary uses including dancing, live entertainment, and alcohol sales and consumption will not result negative impacts to the site and surrounding area.
 - The project will not significantly impact public services, specifically those related to public safety.



VICINITY MAP
CONDITIONAL USE PERMIT NO. 11-010
(VITTORIO'S ITALIAN RESTAURANT- 5921 WARNER AVENUE)

RECOMMENDATION:

Motion to:

“Approve Conditional Use Permit No. 11-010 with suggested findings and suggested conditions of approval (Attachment No. 1);”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Continue Conditional Use Permit No. 11-010 and direct staff accordingly.”
- B. “Deny Conditional Use Permit No. 11-010 with findings for denial.”

PROJECT PROPOSAL:

Conditional Use Permit No. 11-010 represents a request to permit the expansion of the existing 3,200 sq. ft. restaurant into an approximately 962 sq. ft. adjoining vacant commercial unit (formerly occupied by Liberty Tax Service) and permit an 890 sq. ft. outdoor dining area. Within the expanded restaurant space the applicant proposes additional dining area and to install a 120 sq. ft. dance floor and 70 sq. ft. band/stage area that will host live entertainment and dancing. The live entertainment activities are proposed to consist of karaoke and a piano bar. The request also includes providing alcohol service to the expanded indoor and proposed outdoor dining areas. No further physical improvements are proposed for the restaurant’s expansion. The request is pursuant to Section 211.04, CG District: Land Use Controls and Additional Provisions for Eating and Drinking Establishments with Alcohol, Live Entertainment, Dancing, and Outdoor Dining of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

Primary access to the new restaurant space and outdoor dining areas will be from within the existing restaurant. The outdoor dining area is proposed adjacent to the restaurant and will be located under an existing 17 ft. 6 in. wide covered breezeway that provides access to the shopping center’s north and south parking lots. The outdoor dining area is proposed to occupy 8 ft. 9 in. of the breezeway and will be separated from the remaining walkway by a 3 ft. high fence. The remaining 8 ft. 6 in. wide walkway will provide adequate access around the outdoor dining area and will comply with minimum access requirements. This area will be accessible through the interior of the restaurant and from the exterior by two gates located at the north and south ends of the outdoor dining area.

Live entertainment and dancing activities will be located indoors within the rear portion of the unit. The proposed entertainment and dancing will operate between the hours of 9:00 PM and 1:30 AM, seven days a week. The restaurant and food service is intending to maintain its existing operating hours.

Vittorio’s Italian restaurant is located within a multi-tenant commercial shopping center and has operated in its present location since 1970. The existing restaurant space is approximately 3,200 sq. ft. and currently operates between the hours of 4:00 PM and 2:00 AM, seven days a week. The businesses within

the commercial shopping center include retail, eating and drinking establishments, personal service uses, and medical office uses.

Study Session:

The item was presented at the October 25, 2011, Planning Commission Study Session meeting. Staff provided a brief overview of the project. The Planning Commission inquired about potential noise impacts associated with the outdoor dining area, specifically with ancillary noise generated by patrons and routine business operations. The ancillary noises include those synonymous with the set up and maintenance of the dining area and ongoing movement of dishes and utensils by patrons and employees. The acoustical study by Colia Acoustical Consultants on June 3, 2011, analyzed potential noise impacts by factoring the noise generated by patrons talking. An amended noise study dated received October 31, 2011, was provided at staff's request confirming that any associated ancillary noise(s) would remain unchanged and in compliance with the City's noise threshold (Attachment No. 7).

Furthermore, the Planning Commission raised questions pertaining to the method of screening for the outdoor dining area, which includes a 3 ft. high perimeter fence and various potted plants. Since specific concerns were not highlighted about the screening, the business owner verbally expressed support for any potential improvements that may assist in providing further screening of the outdoor dining space.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CG-F1 (Commercial General – 0.35 Max. Floor Area Ratio)	CG-FP2 (Commercial General – Floodplain 2 Subdistrict)	Commercial
North and West (across flood control channel) of Subject Property	RL-7 (Residential Low Density – Max. 7 du/ac)	RL-FP2 (Residential Low Density – Floodplain 2 Subdistrict)	Single-Family Residential
South (across Warner Avenue) of Subject Property	CG-F1 (Commercial General – 0.35 Max. Floor Area Ratio)	CG-FP2 (Commercial General – Floodplain 2 Subdistrict)	Commercial
East (across Springdale Street) of Subject Property	RM-15 (Residential Medium Density – Max. 15 du/ac) & CG-F1 (Commercial General – 0.35 Max. Floor Area Ratio)	RMP-FP2 (Manufactured Home Park – Floodplain 2 Subdistrict) & CG-FP2 (Commercial General – Floodplain 2 Subdistrict)	Mobile Home Park & Commercial

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is CG-F1 (Commercial General – 0.35 Max Floor Area Ratio). The proposed project is consistent with this designation and the policies and objectives of the City’s General Plan as follows:

A. Land Use Element

Policy – LU 7.1: Accommodate the development of a balance of land uses that provides for commercial, employment, entertainment, and recreation needs of existing and future residents, and provides employment opportunities for residents of the City and the surrounding region and captures visitor and tourist activity.

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, and capitalize on Huntington Beach’s recreational resources.

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 provide for the continuation of an existing restaurant use within the Commercial General land use district that is consistent with the Land Use and Density Schedules and compatible with the mix of land uses within the surrounding area. The proposed conditional use permit will serve the cultural, entertainment and recreational needs of a successful restaurant business by allowing the establishment to provide a broad range of restaurant related activities and services in a safe manner for residents of the surrounding area. To mitigate any detrimental impacts, a series of security measures will be applied to the project by the City’s Police Department.

B. Economic Element

Policy – ED 2.4.2: Seek to capture the “new growth” businesses such entertainment-commercial developments.

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 along a focal corridor of the City which contains existing restaurants, retail, and entertainment uses. The project serves to provide a diversity of uses along Warner Avenue and serves to facilitate in the expansion of commercial uses within this district with vibrant and unique uses. A wider array of commercial uses within the surrounding area will facilitate greater patronage. Increased patronage will assist and stimulate further investment and strengthen the City’s economic vitality in the surrounding area.

C. Noise Element

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

Objective – 1.8.1: Require that entertainment and restaurant/bar uses take appropriate steps to control the activities of their patrons on-site, as well as within a reasonable and legally justified distance or proximity, to minimize potential noise-related impacts on adjacent residential neighborhoods.

The requested Conditional Use Permit will accommodate live entertainment within an existing restaurant. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses compatible with surrounding commercial development. Measures will put in place to minimize the potential noise impacts onto the adjacent sensitive land uses (i.e., residential).

Zoning Compliance:

This project is located in the Commercial General Zone and complies with the requirements of that zone. The proposed restaurant expansion with outdoor dining, live entertainment, dancing, and alcohol sales complies with the Commercial General Zone, which establishes the proposed use. No additional building area is proposed beyond the existing building envelope. The project will comply with all minimum development standards including minimum onsite parking. The following matrix depicts parking data for the restaurant expansion, with inclusion of the dance floor and outdoor dining area based upon the minimum parking ratios identified in Section 231.04 of the HBZSO:

EXISTING USES WITHIN COMMERCIAL SHOPPING CENTER				
USE	AREA (sq. ft.)	PARKING RATIO	REQUIRED	EXISTING
Retail	42,653	1/200 sq. ft.	214	
Personal Service	6,965	1/200 sq. ft.	35	
Office	950	1/250 sq. ft.	4	
Medical Office	1,200	1/175 sq. ft.	7	
Restaurants (≤12 seats)	1,000	1/200 sq. ft.	5	
Vittorio’s Restaurant	3,200	1/100 sq. ft.	32	
Vittorio’s Expansion	962	1/100 sq. ft.	10	
- Dance Floor	120	1/50 sq. ft.	2	
- Outdoor Dining	890	1/100 sq. ft.	9	
TOTAL:	57,820 sq. ft.		318 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*, which states that operation

and minor alteration to existing structures involving negligible or not expansion area exempt from further environmental review

Coastal Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Planning and Building, and Fire have reviewed the application and identified applicable code requirements (Attachment No. 4). The Police Department has reviewed the project proposal as has identified a list of operational restrictions associated with the proposed live entertainment activities (Attachment No. 5).

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on October 27, 2011, 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 and Building Department's Notification Matrix), tenants, applicant, and interested parties. As of November 1, 2011, staff received one comment over the phone related to the project's potential to increase existing noise levels within the surrounding area by the inclusion of live entertainment and outdoor dining.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

MANDATORY PROCESSING DATE(S):

September 23, 2011

November 22, 2011

Conditional Use Permit No. 11-010 was filed on March 28, 2011 and deemed complete on September 23, 2011. The application is tentatively scheduled for a public hearing before the Planning Commission on November 8, 2011.

ANALYSIS:

General Plan Consistency

The General Plan objectives and policies promote for the continuation of existing uses and diversity of retail and service commercial uses which are orientated to the needs of local residents. The proposed project will fulfill these objectives and polices by allowing for the expansion of an existing restaurant with additional ancillary uses that consist of live entertainment and dancing. The addition of live entertainment and dancing will provide a wider array of commercial uses within the surrounding area and assist in facilitating greater patronage. Increased patronage will assist and stimulate further investment and strengthen the City's economic vitality in the surrounding area. The investment and vitality will encourage greater activity within the existing shopping center.

Land Use Compatibility

The project will be compatible with the surrounding area because the use is proposed within an established commercial district containing complementary and related commercial uses. The project is located more than 300 ft. from the nearest sensitive land use (i.e., residential to the north of the site). The project will be adequately buffered to such uses by the shopping center's parking lots, adjacent streets (Warner Avenue and Springdale Street), and a 200 ft. wide storm drain channel easement located to the rear (north) of the existing restaurant. The use is proposing to modify only the interior space of an existing unit with limited exterior improvements. The project will not alter onsite vehicular circulation or existing vehicular ingress/egress from Warner Avenue and Springdale Street or any adjoining commercial property. The minimum onsite parking requirements will be maintained with inclusion of the expanded restaurant and ancillary uses and therefore no parking impacts are anticipated.

Alcohol Sales and Consumption

The alcohol request is to allow for the sale and consumption of alcohol in conjunction with the operation of a restaurant with outdoor dining, live entertainment and dancing. The consumption of alcoholic beverages will be entirely contained within the restaurant, including the outdoor dining area. The Police Department has reviewed the request and suggests several conditions of approval to ensure the establishment avoids noise disturbances, and complies with City and State law regarding alcohol sales and consumption.

Live Entertainment and Dancing

The live entertainment request includes two activities consisting of amplified music (i.e., karaoke) and a piano bar. Entertainment activities will be conducted within the rear of the expanded restaurant space, within a designated 70 sq. ft. band/stage area. Furthermore, a 120 sq. ft. dance floor will be constructed and located adjacent to the band/stage area as depicted on the floor plan (Attachment No. 2). All live entertainment activities and dancing are to occur indoors. 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. 5). The Police Department is suggesting operating conditions as part of the Entertainment Permit that will mitigate potential impacts associated with the live entertainment and dancing activities. The applicant has reviewed the proposed entertainment conditions and verbally expressed their understanding and willingness to comply with these conditions. 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. Furthermore, the applicant submitted an acoustical study by Colia Acoustical Consultants on June 3, 2011, that demonstrates that the proposed live entertainment activities will comply with the provisions established pursuant to Chapters 5.44 – *Entertainment Permits* and 8.40 – *Noise Control* of the Huntington Beach Municipal Code (HBMC). As such, no negative impacts are anticipated with the live entertainment and dancing request.

Outdoor Dining

The proposed 890 sq. ft. outdoor dining patio area is proposed to be located adjacent to the restaurant, under an existing 17 ft. 6 in. wide covered breezeway that serves as access to the shopping center's north and south parking lots. The outdoor dining area will occupy an 8 ft. 9 in. wide portion of the walkway and maintain minimum access requirements around the dining area. The outdoor dining area will be enclosed with a 3 ft. high perimeter fence. The patio area is intended to enhance the dining experience for patrons and will not negatively impact adjacent properties. The submitted Colia Acoustical Consultants study evaluated the potential noise generated from the outdoor dining area and determined that noise levels will not exceed maximum thresholds as defined by the City's noise ordinance. Furthermore, the outdoor dining area will comply with minimum onsite parking requirements for the commercial shopping center.

Staff is recommending approval of the request because the project is in compliance with the General Plan designation of Commercial General, complies with all developments standards set forth by the base zoning district, and the restaurant expansion and ancillary uses (i.e., dancing, live entertainment, and alcohol sales and consumption) will not result negative impacts to the site and surrounding area.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CUP No. 11-010
2. Site Plan and Floor Plans received and dated June 2, 2011
3. Project Narrative received and dated June 2, 2011
4. Code Requirements Letter dated July 21, 2011
5. Conceptual Entertainment Permit with Conditions dated received March 28, 2011
6. Colia Acoustical Consultants dated received June 3, 2011 (as Amended)
7. Colia Acoustical Consultants dated received October 31, 2011 (as Amended)

SH:HF:AG:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 11-010

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 not expansion area exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-010:

1. Conditional Use Permit No. 11-010 to permit the expansion of an existing 3,200 sq. ft. restaurant into an approximately 962 sq. ft. adjoining commercial suite and 890 sq. ft. outdoor dining area including requests to permit (a) dancing on an 120 sq. ft. dance floor, (b) live entertainment (i.e., karaoke and a piano bar), and (c) the onsite sales, service, and consumption of alcohol for the expanded restaurant area and the 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. Live entertainment will be conducted entirely indoors and will include karaoke and a piano bar. The main entrance of the restaurant is oriented toward Warner Avenue, away from adjacent residential properties to the north and west (across the East Garden Grove Wintersberg Channel) including the east (across Springdale Street). With incorporation of conditions of approval the entertainment use will be conducted within the interior of the building to prevent the live entertainment activities from exceeding established noise thresholds as defined by the City Noise Ordinance (Chapter 8.40 Noise Control). The project will not modify onsite vehicular circulation and will be provided with efficient vehicular ingress/egress from the adjacent right-of-way and adjoining commercial properties. The project will not be located in close proximity to potentially sensitive land uses. The project will be adequately parked and will not have any significant impacts onto abutting properties. Furthermore, the consumption of alcoholic beverages will be wholly contained within the building's interior and outdoor dining areas of the restaurant. The project will not generate significant noise, odors, or other detrimental impacts onto surrounding properties.
2. The conditional use permit will be compatible with surrounding uses because the restaurant with live entertainment is consistent with the character of the existing commercial shopping center. The live entertainment use will occur within the restaurant, surrounded by commercial uses to the north, south, and west and residential uses to the east. The subject restaurant is oriented toward the south parking lot area adjacent to Warner Avenue. The rear of the building faces the eastern property line with no openings. The live entertainment use will be subject to noise regulations to ensure compatibility with surrounding businesses and residents. Potential noise impacts on residential uses to the east will be mitigated with the installation of sound attenuation and limitation of interior music to 98 dBA pursuant to a noise study. The live entertainment use will be conditioned to operate between the hours of 9:00 PM and 12:00 AM, seven days a week. The conditional use permit will be compatible with

surrounding uses because the commercial recreation and entertainment use will be conducted wholly within the interior of an existing unit within an established district containing similar commercial uses. Other existing indoor recreational uses have been established within commercial areas and maintain similar characteristics to existing commercial uses in the surrounding area. Additionally, the onsite sale and consumption of alcoholic beverages will be ancillary to the project and will occur entirely within the interior of the building.

3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it is located. The existing building conforms to applicable site development standards including required minimum setbacks, minimum onsite parking, and maximum floor area ratio. Commercial recreational uses and the onsite sale of alcoholic beverages is permit within the CG (Commercial General) 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 CG-F1 (Commercial General – Maximum Floor Area Ratio) on the subject property. In addition, it is consistent with the following policies and goals of the General Plan:

A. Land Use Element

Policy – LU 7.1: Accommodate the development of a balance of land uses that provides for commercial, employment, entertainment, and recreation needs of existing and future residents, and provides employment opportunities for residents of the City and the surrounding region and captures visitor and tourist activity.

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, and capitalize on Huntington Beach’s recreational resources.

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 provide for the continuation of an existing restaurant use within the Commercial General land use district that is consistent with the Land Use and Density Schedules and compatible with the mix of land uses within the surrounding area. The proposed conditional use permit will serve the cultural, entertainment and recreational needs of a successful restaurant business by allowing the establishment to provide a broad range of restaurant related activities and services in a safe manner for residents of the surrounding area. To mitigate any detrimental impacts, a series of security measures will be applied to the project by the City’s Police Department.

B. Economic Element

Policy – ED 2.4.2: Seek to capture the “new growth” businesses such entertainment-commercial developments.

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 along a focal corridor of the City which contains existing restaurants, retail, and entertainment uses. The project serves to provide a diversity of uses along Warner Avenue and serves to facilitate in the expansion of commercial uses within this district with vibrant and unique uses. A wider array of commercial uses within the surrounding area will facilitate greater patronage. Increased patronage will assist and stimulate further investment and strengthen the City's economic vitality in the surrounding area.

C. Noise Element

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

Objective – 1.8.1: Require that entertainment and restaurant/bar uses take appropriate steps to control the activities of their patrons on-site, as well as within a reasonable and legally justified distance or proximity, to minimize potential noise-related impacts on adjacent residential neighborhoods.

The requested Conditional Use Permit will accommodate live entertainment within an existing restaurant. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses compatible with surrounding commercial development. Measures will put in place to minimize the potential noise impacts onto the adjacent sensitive land uses (i.e., residential).

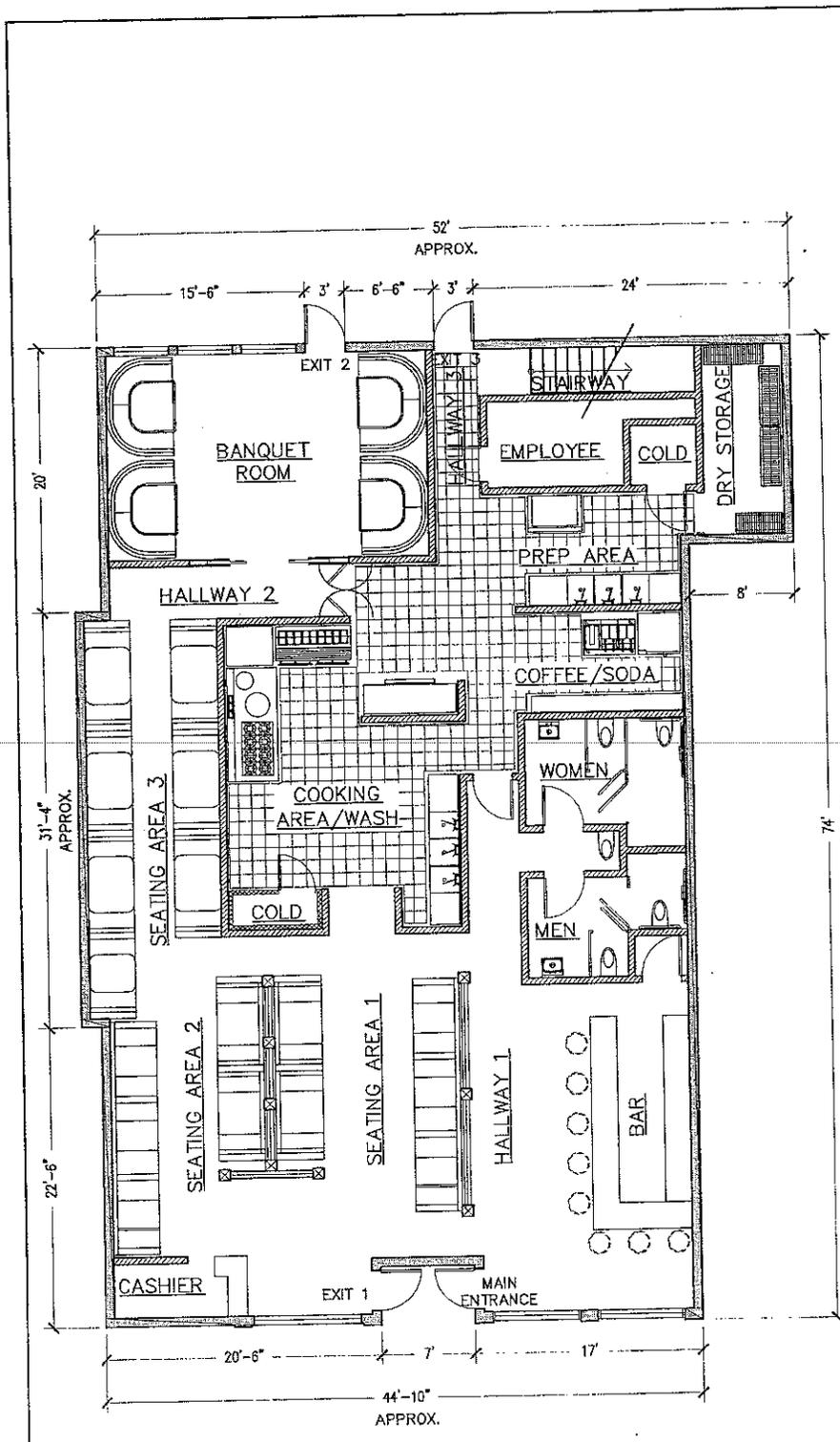
SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-010:

1. The site plan and floor plans received and dated June 2, 2011, shall be the conceptually approved design with the following modification:
 - a) The parking matrix noted on Sheet No. 1 shall reflect total onsite parking as 320 spaces.
2. The use shall comply with the following:
 - a. All areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons.
 - b. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department for inclusion in the entitlement file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - c. All conditions of the Entertainment Permit shall be observed.

- d. Only the uses described in the project narrative shall be permitted (see attached narrative).
 - e. The use conditions listed herein shall be clearly posted on the premises at all times.
3. Prior to commencing with live entertainment activities, a copy of an approved Entertainment Permit, approved by the Police Department and issued by the Business License Department, shall be submitted to the Planning & Building Department.
 4. The development services departments and divisions (Building, 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.
 5. CUP No. 11-010 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
 6. 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>).

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.



JUN 03 2011
 Huntington Beach
 PLANNING DEPT.



CZAR + DESIGN
 805 ANACAPA
 IRVINE, CALIFORNIA
 92602
 OFFICE: 714-380-8382
 FAX: 714-380-8383
 MOBILE: 949-338-8487
 email: czar@czardesign.com

PROJECT
VITTORIO'S ITALIAN RESTAURANT
 5921 WARNER AVENUE
 HUNTINGTON BEACH, CA 92649

OWNER
FRANK T.
 5921 WARNER AVENUE
 HUNTINGTON BEACH, CA 92649
 PHONE:

FLOOR PLAN - EXISTING

REVISIONS

△	
△	
DATE	11/2/2017
DESIGNED BY	E. GRAHAM
DRAWN BY	
DATE	JUNE 8, 2011

FLOOR PLAN - EXISTING 1
 SCALE: 1/8" = 1/8'
 A1.0

A-1.0

May 30, 2011

City of Huntington Beach Planning Department

Subject: Vittorio's (5921 Warner Ave.) application for permit modification

Vittorio's has been a successful neighborhood/area Italian food restaurant and bar in Huntington Beach for over 40 years. I recently purchased Vittorio's, completely renovated the premises, and business has been growing. This growth is especially noticed in the small bar area, where during peak hours the demand for seats (mostly generated by our nearby neighbors) exceeds supply.

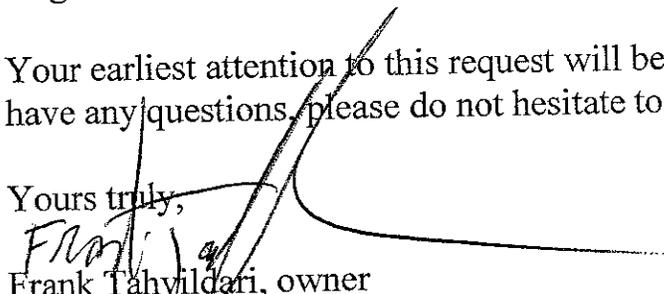
A small leasehold adjacent to Vittorio's recently became available (was a tax prep business), and I have been allowed by my landlord to add the area to the Vittorio's site. To address growing demand and the many customer requests, I will be creating an expanded bar and food service area available between restaurant hours in an enclosed area (about 960 sq. ft. available to me), and in a small patio area (about 600 sq. ft.) adjacent to the new area, located in an alcove between my new expanded leasehold and the leasehold westerly of mine).

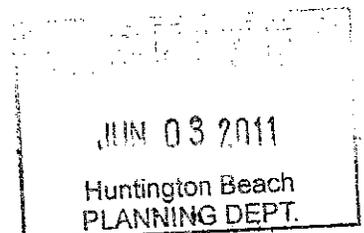
HOURS OF OPERATION DAILY 4 PM TO 2 AM

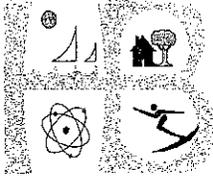
This permit modification request is to 1) add this 960 sq. ft. and adjacent covered patio area to Vittorio's permitted restaurant/bar area, and 2) permit live entertainment and dancing within the new 960 sq. ft. enclosed area. Although the entertainment may be amplified from time to time e.g. Karaoke, the primary use would be for a piano bar, in response to abundant customer requests. This request for permit modification, when approved, will permit Vittorio's to continue to meet our customers' needs, in a neighborhood friendly way, given our residential-buffered location.

Your earliest attention to this request will be very much appreciated. If you have any questions, please do not hesitate to call me at (714) 317-9112.

Yours truly,


Frank Tahvildari, owner
Vittorio's Italian Restaurant & Bar





City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

August 8, 2011

Frank Tahvildari
5921 Warner Avenue
Huntington Beach, CA 92649

**SUBJECT: CONDITIONAL USE PERMIT NO. 11-010 (VITTORIO'S RESTAURANT
EXPANSION, LIVE ENTERTAINMENT, DANCING, AND ALCOHOL SALES) –
5921 WARNER AVENUE
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Tahvildar,

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 AGonzales@Surfcity-hb.org or 714-374-1547 and/or the respective source department (contact person below).

Sincerely,

Andrew Gonzales
Associate Planner

Enclosures: Fire Department requirements dated August 2, 2011
Planning Division requirements dated July 22, 2011
Building Division requirements dated April 21, 2011

Cc: Herb Fauland, Planning Manager
Jason Kelley, Senior Planner

ATTACHMENT NO. 4.1

Chief Ken Small, Police Chief
Mark Carnahan, Inspection Manager
Debbie Debow, Principal Civil Engineer
Darin Maresh, Fire Development Specialist
Kitsigianis Properties, 5921 Warner Avenue, Huntington Beach, CA 92649
Project File



CITY OF HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: AUGUST 2, 2011
PROJECT NAME: VITTORIO'S OUTDOOR PATIO AND LIVE ENTERTAINMENT
ENTITLEMENTS: PLANNING APPLICATION NO. 2011-051
PROJECT LOCATION: 5921 WARNER AVENUE, HUNTINGTON BEACH, CA
PLANNER: ANDREW GONZALES, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 374-1547/ AGONZALES@SURFCITY-HB.ORG
PLAN REVIEWER-FIRE: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST
TELEPHONE/E-MAIL: (714) 536-5531/ DMARESH@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO PERMIT AN EXISTING RESTAURANT TO ESTABLISH AND OPERATE (A) DANCING ON AN 120 SQ. FT. DANCE FLOOR, (B) LIVE ENTERTAINMENT (I.E., KARAOKE AND A PIANO BAR), AND (C) THE ONSITE SALES, SERVICE, AND CONSUMPTION OF ALCOHOL IN CONJUNCTION WITH THE EXPANSION OF AN EXISTING RESTAURANT INTO AN APPROXIMATELY 962 SQ. FT. ADJOINING COMMERCIAL SUITE AND 890 SQ. FT. OUTDOOR DINING AREA.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated April 12, 2011. 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- Fire: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST.

PRIOR TO ISSUANCE OF BUILDING PERMITS THE FOLLOWING SHALL BE REQUIRED:

Fire Suppression Systems

Fire Alarms

Modification, additions, or deletions to an existing fire alarm system shall require that separate plans (three sets) shall be submitted to the Fire Department for permits and approval.

Any extended interruption of the fire alarm system operation will require a "fire watch", approved by the Fire Department. **(FD)**

Modification, additions, or deletions to an existing automatic fire sprinkler system or fire alarm system shall require that separate plans (three sets) shall be submitted to the Fire Department for permits and approval. Any extended interruption of the fire sprinkler system operation will require a "fire watch", approved by the Fire Department. Reference compliance with City Specification # 420 - Automatic Fire Sprinkler Systems and NFPA 13 in the plan notes. **(FD)**

Fire Protection Systems

Fire Extinguishers shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. **(FD)**

Fire Personnel Access

Main Secured Building Entries shall utilize a KNOX[®] Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX[®] Fire Department Access in the building plan notes. **(FD)**

Exit Signs And Exit Path Markings will be provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. **(FD)**

Posting Of Room Occupancy is required. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the capacity of the room posted in a conspicuous place near the main exit per HBFC sec. 1004.3 **(FD)**

Egress Illumination/Emergency Exit Lighting with emergency back-up power is required. Provide means of egress illumination per HBFC 604.2.4 and UBC 1003.2.9. **(FD)**

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:

Fire/Emergency Access and Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction and Demolition. **(FD)**

Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. **(FD)**

Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office

City Hall 2000 Main Street, 5th floor

Huntington Beach, CA 92648

or through the City's website at www.surfcity-hb.org

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.



**CITY OF HUNTINGTON BEACH
PLANNING AND BUILDING DEPARTMENT
PLANNING DIVISION**

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JULY 22, 2011

PROJECT NAME: VITTORIO'S RESTAURANT EXPANSION, LIVE ENTERTAINMENT, DANCING, & ALCOHOL SALES

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 11-051

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 11-010

DATE OF PLANS: MARCH 28, 2011 AND JULY 18, 2011

PROJECT LOCATION: 5921 WARNER AVENUE, 92646 (NORTHWEST CORNER OF SPRINGDALE STREET AND WARNER AVENUE)

PLAN REVIEWER: ANDREW GONZALES, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 374-1547/ AGONZALES@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO PERMIT AN EXISTING RESTAURANT TO ESTABLISH AND OPERATE (A) DANCING ON AN 120 SQ. FT. DANCE FLOOR, (B) LIVE ENTERTAINMENT (I.E., KARAOKE AND A PIANO BAR), AND (C) THE ONSITE SALES, SERVICE, AND CONSUMPTION OF ALCOHOL IN CONJUNCTION WITH THE EXPANSION OF AN EXISTING RESTAURANT INTO AN APPROXIMATELY 962 SQ. FT. ADJOINING COMMERCIAL SUITE AND 890 SQ. FT. OUTDOOR DINING AREA.

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.

CONDITIONAL USE PERMIT NO. 11-010:

1. The site plan and floor plans approved by the Planning Commission shall be the conceptually approved design.
2. Prior to issuance of building permits, all new commercial and industrial development and all new residential development not covered by Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance, except for mobile home parks, shall pay a park fee, pursuant to the provisions of HBZSO Section 230.20 – *Payment of Park Fee*. The fees shall be paid and calculated

according to a schedule adopted by City Council resolution. (**City of Huntington Beach Planning Department Fee Schedule**)

3. During demolition and/or construction, all HBZSO and Municipal Code requirements including the Noise Ordinance (HBMC 8.40 – *Noise Control*). All activities including truck deliveries associated with construction, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. (**HBMC 8.40.090**)
4. The structure cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released until a Certificate of Occupancy must be approved by the Planning Division and issued by the Building Division. (**HBMC 17.04.036**)
5. The use shall comply with the following:
 - a. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be subject to approval of Conditional Use Permit. (**HBZSO Section 230.74**)
 - b. Ensure entertainment provided is not audible beyond 50 feet from the exterior walls of the business in any direction. (**HBMC 5.44.015(a)**)
 - c. Restrict the entertainment provided to the entertainment which is specified in the entertainment permit and in the license issued by the State of California Alcoholic Beverage Control (ABC), Conditional Use Permit (CUP), California Civil Code, or any other restriction issued by any regulatory power with authority over the business or premise. (**HBMC 5.44.015(b)**)
 - d. Follow all other conditions as set forth in the entertainment permit and in the license as issued by ABC. (**HBMC 5.44.015(c)**)
 - e. Ensure that all areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all persons in the business. (**HBMC 5.44.015(d)**)
 - f. Post the permit conspicuously in the business premises. (**HBMC 5.44.015(e)**)
 - g. Entertainment Permits shall be applicable at all hours, regardless if entertainment is present, with the exception of those conditions specifically listed on the permit which are only applicable during hours of entertainment. (**HBMC 5.44.015(f)**)
 - h. For patron safety, dancing will be only be permitted within an area preapproved in the Entertainment Permit and clearly delineated as a dance floor. (**HBMC 5.44.015(g)**)
6. The Development Services Departments (Planning & 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**)
7. Conditional Use Permit No. 11-010 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 and Building Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16.A)**
8. Conditional Use Permit No. 11-010 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **((HBZSO Section 241.14)**
 9. The Planning Commission reserves the right to revoke Conditional Use Permit No. 11-010 pursuant to a public hearing for revocation, if any violation of the conditions of approval, HBZSO or Municipal Code occurs. **(HBZSO Section 241.16.D)**
 10. The project shall comply with all applicable requirements of the Municipal Code, Building Division and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
 11. 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)**
 12. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. ~~Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Building and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.~~ **(HBZSO Section 232.04)**
 13. 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 and Building Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**



RECEIVED
APR 21 2011
Dept. of Planning
& Building

CITY OF HUNTINGTON BEACH
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: APRIL 21, 2011
PROJECT NAME: VITTORIO'S OUTDOOR PATIO AND LIVE ENTERTAINMENT
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 11-051
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 11-010
PROJECT LOCATION: 5921 WARNER AVENUE, 92646 (NORTHWEST CORNER OF SPRINGDALE STREET AND WARNER AVENUE)
PROJECT PLANNER: ANDREW GONZALES, ASSOCIATE PLANNER
PLAN REVIEWER: KHOA DUONG
TELEPHONE/E-MAIL: (714) 536-5278/ KHOA.DUONG@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT THE EXPANSION OF AN EXISTING RESTAURANT INTO AN ADJOINING COMMERCIAL SUITE IN CONJUNCTION WITH OUTDOOR DINING, ONSITE ALCOHOL SALES AND CONSUMPTION, AND LIVE ENTERTAINMENT.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated March 28, 2011. 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 Zoning Administrator 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.

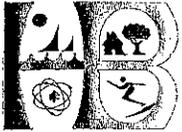
I. SPECIAL CONDITIONS:

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 Plumbing Code (CPC), 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 egress plan showing the exit system. Chapter 10.
3. Provide occupant load calculations. Chapter 10.
4. Provide building area analysis due to increase in the assembly area.
5. All gates and doors within the exit paths must have panic hardware.

6. Due to increase in the number of seating and occupant load, please check the number of plumbing fixtures per Table 4-1 of CPC.
 7. Provide compliance to disabled accessibility requirements of Chapter 11B of CBC, Section 1134B for existing buildings.
 - a. Existing Site must comply with T-24. Provide site plan showing accessible parking stall(s), accessible path of travel from accessible parking stalls(s)/public sidewalk to the tenant entrances.
 - b. Existing toilet rooms must be accessible to disabled persons. Provide plans, details and notes show how they comply with Section 1115B.
 - c. Provide wheel chair seating spaces per Section 1104B.5.
 8. Recommendations: Please contact me or our office to review preliminary code analyses to examine any possible building code issues that may arise.
-



CITY OF HUNTINGTON BEACH

2000 MAIN STREET
P. O. BOX 70

POLICE DEPARTMENT

CALIFORNIA 92648

Tel: (714) 960-8811

KENNETH W. SMALL
Chief of Police

PROPOSED ENTERTAINMENT CONDITIONS

CONCEPTUALLY APPROVED PURSUANT TO FILING A CONDITIONAL USE PERMIT

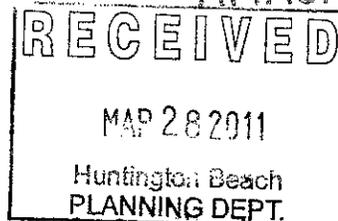
This document DOES NOT allow entertainment at the listed establishment. Provided are the proposed conditions for your entertainment permit pursuant to the approval of a conditional use permit allowing entertainment at your establishment. Prior to approval of an entertainment permit the applicant must agree to and complete (where necessary) the noted conditions.

Issued to: **Vittorio's Italian Restaurant**
5921 Warner Avenue
Huntington Beach, CA 92649

CONDITIONS (17 total):

1. Hours of Entertainment: 9:00 PM to 1:30 AM daily
2. The applicant must submit a sound study, pursuant to HBMC 5.44.050(5)(b) prior to deeming an entitlement application (CUP) complete. The sound study shall be prepared by a licensed engineer; show that the proposed entertainment will not create undue noise or violate the City's Noise Control Ordinance (HBMC 8.40) and be approved by the Police Department prior to approving entertainment.
3. 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.
4. Types of Entertainment: Amplified and non-amplified music, entertainment is limited to a disc jockey, karaoke, piano, and live jazz bands (up to 5 members).
5. Entertainment is not allowed in the outside patio area.
6. Patron dancing will be allowed only in pre-designated zones authorized by the Police Department.
7. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.
8. Food service from the regular menu must be available to patrons up to one hour before the scheduled closing time.
9. No cover charge or admission fee will be allowed.
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 PM.
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.

ATTACHMENT NO. 5.1



**ENTERTAINMENT PERMIT
(continued)**

- 14. Security Guards: At least one when entertainment is present.
- 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.

Per section 5.44.090 HBMC, the Chief of Police may revoke or suspend the permit upon receiving satisfactory evidence that the licensee or permittee has received four administrative citations which have been upheld at an administrative hearing, or been convicted of, or has entered a plea of guilty to four violations of the provisions of this chapter, or of any other law or ordinance of the City or state relating to such business.

Issued: CONCEPTUAL PERMIT


Kenneth W. Small
Chief of Police

ATTACHMENT NO. 5.2

RECEIVED
MAR 28 2011
Huntington Beach
PLANNING DEPT.

COLIA ACOUSTICAL CONSULTANTS

177 Riverside, #F
Newport Beach, CA 92663
Certified Acoustical Consultants
Phone 714 960-7511
Fax 714 960-6775
Email: RColia@socal.rr.com

L11-077

August 24, 2011

Mr. Andrew Gonzales
City of Huntington Beach
Planning and Building Department
2000 Main Street
Huntington Beach, CA 92648

RECEIVED
SEP 27 2011
Dept. of Planning
& Building

SUBJECT: Response to Questions for Acoustical Study for Vittorio's Restaurant Project
At 5921 Warner Avenue in Huntington Beach

Dear Mr. Gonzales

I have the following information on the questions/concerns expressed in a letter dated August 22, 2011.

1. The stucco and glass in the breeze way will not affect noise transmitted from the outdoor patio to the residences to the northeast and east. If there are people speaking their bodies and clothing will absorb most reflected and/or standing waves. Sound can escape from either of the open sides. Reverberation was taken into account in paragraph 2 of page 3 in the restaurant as a worst-case condition. Noise from the restaurant will pass through concrete, drywall built-up wall and ¼ inch glass so that the outside noise from the music will be 81 dBA. At 50 feet the noise drops off to 47 dBA ($20 \log (1/50) + 81 \text{ dBA} = 47 \text{ dBA}$). This meets the 50 dBA standard.
2. As shown above the music outside at a distance of 50 feet will be 47 dBA which meets the City standard.
3. In the study an outside patio number of 36 people was used in the calculations. To evaluate 64 people the following equation was used:

$$10 \log (64 \text{ people}/36 \text{ people}) = 40.7 \text{ dBA} = 43.2 \text{ dBA}$$

This value meets the City standard of 45 dBA at the NW residences.

ATTACHMENT NO. 6.1

COLIA ACOUSTICAL CONSULTANTS

177 Riverside, #F
Newport Beach, CA 92663
Certified Acoustical Consultants
Phone 714 960-7511
Fax 714 960-6775
Email: RColia@socal.ir.com

L11-084

September 8, 2011

Mr. Andrew Gonzales
City of Huntington Beach
Planning and Building Department
2000 Main Street
Huntington Beach, CA 92648

RECEIVED
SEP 30 2011
CITY OF HUNTINGTON BEACH
PLANNING & BUILDING DEPT.

SUBJECT: Second Response for Acoustical Study for Vittorio's Restaurant at 5921 Warner Avenue in Huntington Beach

Dear Mr. Gonzales;

The current ambient on the site is 56.6 dBA (from the original report). The project noise impact at 50' will be 43.2 dBA (from report L11-077). The ambient is more than 10 dB higher than the project impact at 50 feet. The ambient will mask and cover the project noise levels. The project impact will add less than 0.3 dB to the overall total which for an average listener is almost impossible to detect.

If you have any further question please call.


Rick Colia
Certified Acoustical Consultant

ATTACHMENT NO. 6.2

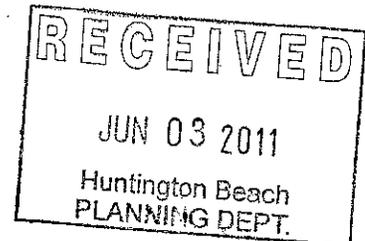
COLIA ACOUSTICAL CONSULTANTS

177 Riverside, #F
Newport Beach, CA 92663
Certified Acoustical Consultants
Phone 714 960-7511
Fax 714 960-6775
Email: RColia@socal.rr.com

L11-050

May 31, 2011

Mr. Frank Tahvildari
Vittorio's Italian Restaurant
5921 Warner Avenue
Huntington Beach, CA 92647



SUBJECT: Acoustical Notes for the Restaurant at 5921 Warner Avenue in Huntington Beach

Dear Mr. Tahvildari;

I am providing the following information in regard to the potential noise levels to be produced by the live entertainment and outdoor patio for the restaurant at 5921 Warner Avenue in Huntington Beach.

Noise levels as described in terms of decibels (dB) are similar to the scale of earthquakes. It is logarithmic function. It is not like simple math addition and subtraction. For example, if you stood equally between two speakers each producing sounds of 65 dB the combined noise level at your ear would be 68 dB (a 3 dB increase).

Human response to noise level changes: An one-decibel (dB) increase is an increment that would be difficult for an average listener to detect (one would find it hard to tell the difference between 66 and 65 dB). Normal hearing begins to distinguish differences of 3 dB (higher or lower). A 5 dB change (+ or -) is a noticeable difference to an average ear, and a 10 dB change will sound one-half or twice as loud.

The noise levels described in the noise report are based on the A-weighting. The A-weighting setting on a sound meter is a filter to process out very high and low frequencies to closely emulate the nature filters of the human ear. Thus, A-weighting most closely responds to human hearing.

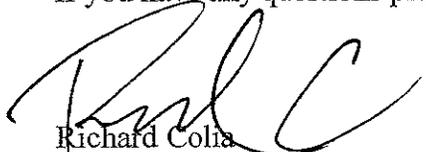
ATTACHMENT NO. 6.3

R11-050
May 31, 2011

The *one-hour average noise level* as described in the City Noise Standards is the same as Equivalent Sound Level (Leq). Equivalent Sound Level is the time weighted average of all noise levels which over a specific time (one hour) period. Leq is used to describe fluctuating sounds over long periods of time. The 'equivalent' signifies the numerical value of the fluctuating sound is equivalent in level to a steady state sound with same amount of total energy.

If two sound levels are ten decibels apart (i.e., 65 dB and 55 dB) and are combined one would add 0.4 dB to the higher level for a total of 65.4 dBA. An increase of 0.4-1.0 would be virtually impossible to detect by an average ear. It would also be hard measure on a sound level. If the difference is 20 dB (65 dB and 45 dB) the combined impact would be 65.04 and that increase would be significantly more difficult to detect.

If you have any questions please call.



Richard Colia
Certified Acoustical Consultant

COLIA ACOUSTICAL CONSULTANTS

177 Riverside, #F
Newport Beach, CA 92663
Certified Acoustical Consultants
Phone 714 960-7511
Fax 714 960-6775
Email: RColia@socal.rr.com

R11-049

May 31, 2011



PRELIMINARY ACOUSTICAL ANALYSIS OF THE
VITTORIO'S RESTAURANT PROJECT
AT 5921 WARNER AVENUE
IN THE CITY OF HUNTINGTON BEACH

Prepared For:

VITTORIO'S ITALIAN RESTAURANT
5921 Warner Avenue
Huntington Beach, CA 92647

Prepared By

A handwritten signature in black ink, appearing to read "Richard Colia".

Richard Colia

Certified Acoustical Consultant

ATTACHMENT NO. 0.5

ACOUSTICAL ANALYSIS OF THE
VITTORIO'S RESTAURANT PROJECT
AT 5921 WARNER AVENUE
IN THE CITY OF HUNTINGTON BEACH

INTRODUCTION

At the request of Frank Tahvildari, Colia Acoustical Consultants have prepared an acoustical analysis of the new addition to the existing Vittorio's Italian Restaurant in the City of Huntington Beach. The project is located in an existing shopping center at 5921 Warner Avenue. The principal source of noise to the project area will be from current vehicular traffic on Warner Avenue and Springdale and various activities in the existing shopping center. There are no known significant railroad or aircraft noise impacts. The potential noise impact from the restaurant will be a planned band area of the restaurant where live music will be performed. There will also be a dance section in the same area.

The noise criteria of the City of Huntington Beach limits noise levels to 55 dBA or less in daytime hours (7:00 AM to 10:00 PM) and 50 dBA in nighttime hours (10:00 PM to 7:00 AM). These values will be reduced by 5 dB for music and speech. These values will be used as a guideline in the noise study.

The purpose of this report is to determine the exterior noise environment, design noise control measures to reduce the projected noise impacts, and present other mitigation measures, where necessary, to reduce other noise impacts to acceptable levels.

ANALYSIS

Exterior Noise Environment-Ambient and Vehicular Traffic

The current noise impact to the project site was determined by on-site noise measurements taken on representative morning sample period on May 24, 2011. A fifteen-minute noise sample was taken on the site at the location shown in Figure 2. At this position readings were taken at microphone heights of 5 feet above existing grade. Site 1 was located at the north side of the shopping center which acts as the back entrance of the existing restaurant closest the residential area across a flood control channel. The restaurant is about 300 feet from the residences to the north.

The measurements were made using a Bruel and Kjaer 2230 Integrating Sound Level Meter. An Equivalent Sound Level (Leq) was recorded from the meter after each sample period. The measurement results are shown on the following page.

R11-049

May 31, 2011

Using the recorded values and typical hourly traffic distribution information, further Leq values were calculated for each hour of the day. The Leq values for the evening hours (7 PM to 10 PM) were weighted by 5 dB and nighttime Leq values (10 PM to 7 AM) were weighted by 10 dB. The adjusted Leq values were then energy averaged to calculate the CNEL value shown in Table 1 (See Table 2 for the calculation methodology).

TABLE 1

Measurement Results, May 24, 2011

Site	Time	Microphone Height, ft.	Measured Leq, dBA	Measured Lmax, dBA	Measured Lmin, dBA	CNEL, dBA
1	9:30 A.M.	5	56.6	73.4	48.4	59.2

Based on the information in Table 1 the existing shopping center areas of the project will be impacted by projected traffic and ambient noise levels that range from 56.0 to 57.0 dB from all noise sources at the closest building line to residences.

PROJECT DESCRIPTION

The existing restaurant known as Vittorio's Italian Restaurant is located in an existing shopping center at the northwest corner of Warner Avenue and Springdale Street. The front entrance door faces towards the intersection of the two roadways (Warner Avenue and Springdale Street) and the two back doors (kitchen and utility) face toward the existing residences to the northwest. There are also residences to the east across Springdale Street which appears to be mobile homes. The residences to the northwest are approximately 300 feet from the restaurant building. The residences to the east across Springdale Street are about 350 feet from the building.

R11-049

May 31, 2011

The purpose of this study is to evaluate the restaurant's property owners request for an outdoor patio, and live entertainment within the restaurant (see Figure 2). The live entertainment may consist of a live band playing within a designed area of the new restaurant configuration. There is also a dance floor indicated. The outdoor patio will consist of about 11 tables and 4 waiting benches.

PROJECT GENERATED NOISE

The potential noise levels for the outdoor patio and live entertainment are the loudness of the music of the live band and the patrons talking at the outdoor patio area. Because it is not possible to predict the exact type music and bands that may appear at this new restaurant configuration noise level data from other noise studies involving music at other restaurant facilities will be used in this analysis. Although the band area and dance floor are relatively small in size it is possible that amplified music could occur here. Thus, as a worst-case a noise of 100 decibels (dB) on the A-weighted scale (A) will be used. To account for reverberation this value will be increased by 6 dB to a total of 106 dBA for this study. This is a worst-case condition for this type of restaurant and its setting and is a level that would probably be uncomfortable to very uncomfortable for the average listening patron.

The music impact must pass through the exterior wall of the restaurant building and/or glass to reach the outdoors. Usually glass and/or doors are the weak points for noise leakage. Whereas exterior walls with wood/metal stud walls, insulation, exterior stucco or siding and interior drywall will provide at least 45 dB of noise reduction. Windows and doors act as weak points and may only provide 25 to 27 dB of noise reduction. Thus the reference music noise level as a minimum will be reduced by 25 through the glass of the restaurant at its weak point. The adjusted impact is 81 dBA (106 dBA minus 25 equals 81 dBA).

The proposed outdoor patio will have seating for 36 people at 11 tables and two waiting benches. Normal conversation between two people averages 65 dBA at a distance of 3 feet apart. As a scenario with 36 people speaking at once the combined noise at 3 feet would be 80.6 dBA in the patio area. This value will be used as a reference value in the patio area.

The residences to the northwest are 300 feet from the restaurant building and outdoor patio area. The residences to the east are 350 feet from the restaurant building and patio area. The noise drop-off rate is 6 dB with each doubling of distance. The noise drop-off with distance was calculated by the following formula:

$$20 \text{ Log } (300/300) + 80.6 \text{ dBA} = 40.6 \text{ dBA}$$

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May 31, 2011

This noise impact will traverse across the back portion of the shopping center and the flood control channel (300') to reach the residences to the northwest. In the same way the noise impact will traverse the shopping center parking lot and across Springdale Street to reach the residences (350 feet to the east).

These values were calculated to the northwest and east residential area for both the outdoor patio and live entertainment (band) noise levels.

TABLE 3

Summary of Results -- Northeast and East Residential Areas

<i>Restaurant Area</i>	<i>Noise Level Reference</i>	<i>Distance to Residences</i>	<i>Noise Level @ Residences</i>	<i>City Nighttime Std., dBA</i>
Band	81 dBA	300' NW	41 dBA	45
Music		350' East	39.7 dBA	45
Outdoor	80.6 dBA	300' NW	40.7 dBA	45
Patio		350' East	39.3 dBA	45

The noise descriptors above are noted as Equivalent Sound Level or Leq taken directly from the Sound Level Meter. Leq is the time weighted average of all noise levels which occur over a specific time period. Leq is used to describe fluctuating sounds over long periods of time. The "Equivalent" signifies the numerical value of the fluctuating sound is equivalent in level to a steady state sound with the same amount of total energy.

Table 3 shows the projected noise level to the northwest and east residential sides in relation to the restaurant. The distances are shown at the closest values which is the worst-case condition. These values range from 39.3 dBA Leq at the east to 41.0 dBA Leq to the northwest residential side.

These values will be used in the analysis to determine the mitigation for the project.

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Noise Criteria:

The exterior noise code of the City of Huntington Beach is defined in HBMC 5.44.050(B) (b).

Exterior Noise Standards

Noise Zone	Noise Level	Time Period
1	55 dBA	7:00 AM to 10:00 PM
	50 dBA	10:00 PM to 7:00 AM

(b) In the event the alleged offensive noise consists of impact noise, simple tone noise, speech, music or any combination thereof, each of the above noise levels shall be reduced by five (5) dBA.

Because the live entertainment and outdoor patio activities consist of music and speech and will likely occur at nighttime the City noise limit will be **45 dBA**.

Results

Table 4 shows the worst-case noise impacts at the northwest and east property lines. These values show values of 41.0 dBA to 39.3 dBA which are below the City noise code standard of 45 dBA and is also lower than the ambient levels of 56.6 dBA.

CONCLUSION

Following the recommendations and mitigation measures noted in this analysis it can be expected that the noise criteria of the City of Huntington Beach will be met.

TABLE 2

A-Weighted Leq Noise Level Data Collected During A Representative Sample Period On May 24, 2011, Together With Calculated Hourly Leq Values And Resulting CNEL Value.

Site 1

One Hour Period Beginning	Hourly Leq Data, (dBA)	Hourly Leq Weighting Factor	Adjusted Hourly Leq
0700	56.6	0.0	56.6
0800	56.6	0.0	56.6
0900	56.6 MEAS	0.0	56.6
1000	56.6	0.0	56.6
1100	56.6	0.0	56.6
1200	56.6	0.0	56.6
1300	56.6	0.0	56.6
1400	56.6	0.0	56.6
1500	56.6	0.0	56.6
1600	56.6	0.0	56.6
1700	56.6	0.0	56.6
1800	56.6	0.0	56.6
1900	54.1	5.0	59.1
2000	54.1	5.0	59.1
2100	54.1	5.0	59.1
2200	51.1	10.0	61.1
2300	51.1	10.0	61.1
0000	51.1	10.0	61.1
0100	51.1	10.0	61.1
0200	51.1	10.0	61.1
0300	51.1	10.0	61.1
0400	51.1	10.0	61.1
0500	51.1	10.0	61.1
0600	51.1	10.0	61.1

24 Adjusted Leq Values/

24 =

59.2 CNEL

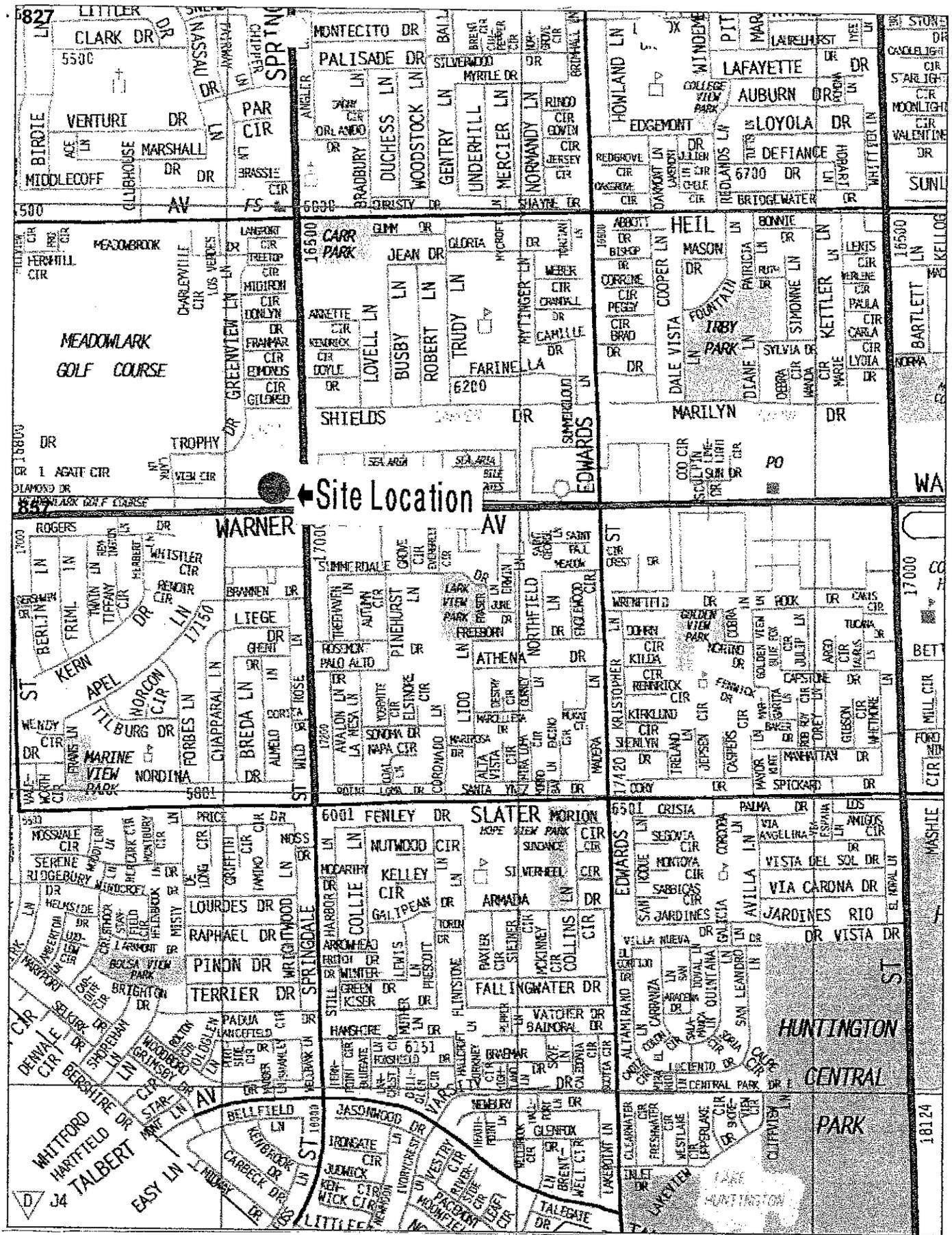


FIGURE 1: Site Location Map

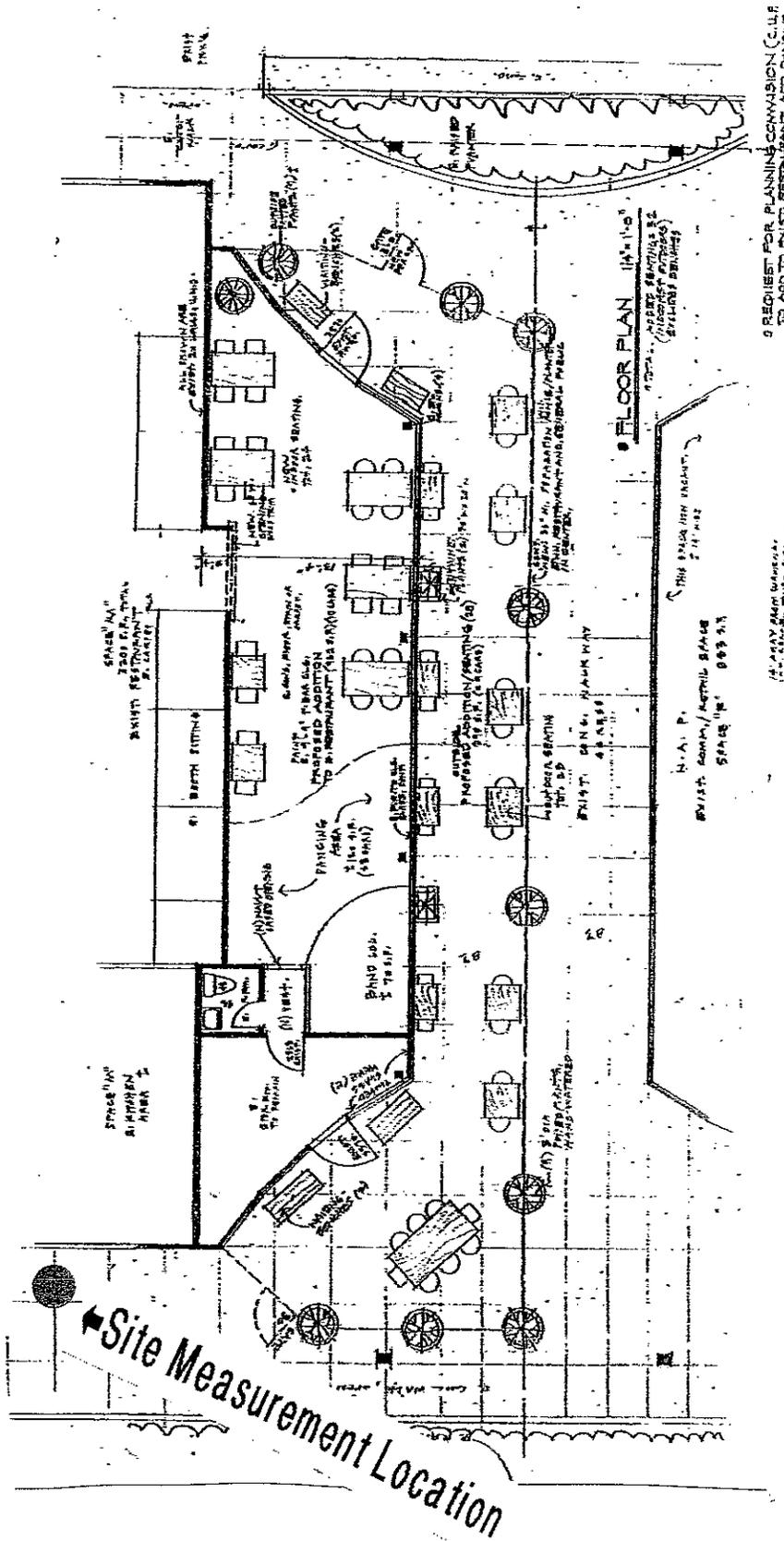


FIGURE 2: Site Measurement Location

8.40.050 Exterior noise standards.

(a) The following noise standards, unless otherwise specifically indicated, shall apply to all residential property within a designated noise zone:

Exterior Noise Standards		
Noise Zone	Noise Level	Time Period
1	55 db(A)	7 a.m. - 10 p.m.
	50 db(A)	10 p.m. - 7 a.m.
2	55 db(A)	Anytime
3	60 db(A)	Anytime
4	70 db(A)	Anytime

(b) In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by five (5) db(A). (2379-8/79, 2788-9/85)

8.40.060 Exterior noise levels prohibited. It shall be unlawful for any person at any location within the incorporated area of the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level when measured on any residential, public institutional, professional, commercial or industrial property, either within or without the City, to exceed the applicable noise standards:

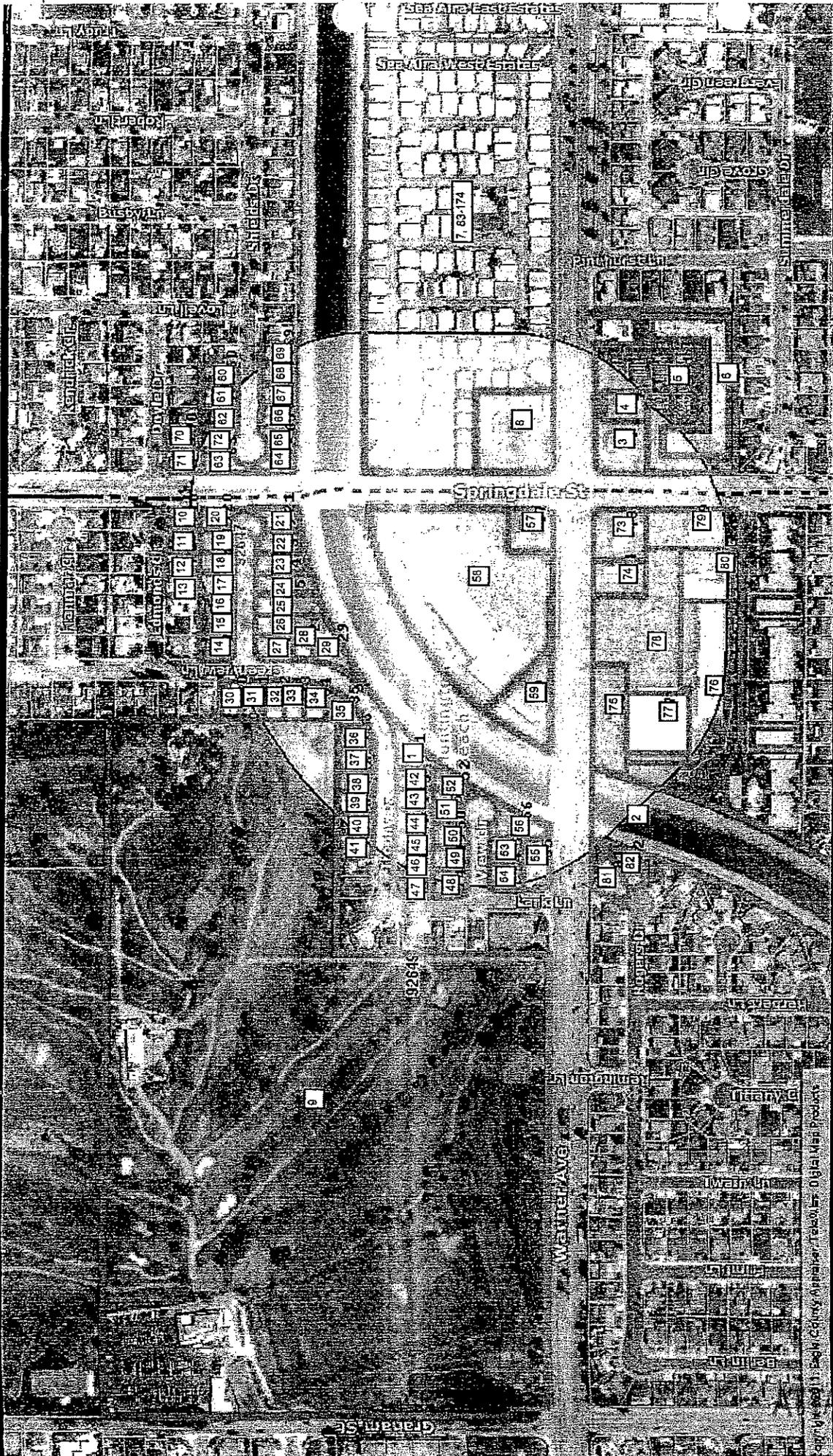
- (a) For a cumulative period of more than thirty (30) minutes in any hour;
- (b) Plus 5 db(A) for a cumulative period of more than fifteen (15) minutes in any hour;
- (c) Plus 10 db(A) for a cumulative period of more than five (5) minutes in any hour;
- (d) Plus 15 db(A) for a cumulative period of more than one (1) minute in any hour; or
- (e) Plus 20 db(A) for any period of time.

In the event the ambient noise level exceeds any of the first four noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level. (2379-7/79)

8.40.070 Interior noise standards.

(a) The following noise standards, unless otherwise specifically indicated, shall apply to all real property within a designated noise zone:

Interior Noise Standards		
Noise Zone	Noise Level	Time Period
1	55 db(A)	7 a.m. -10 p.m.
	45 db(A)	10 p.m. - 7 a.m.
2, 3, 4	55 db(A)	Anytime



500' Radius Map
5921 Warner

400 ft
 LandVision
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CLIENT NO. 6.15

Table N1 Representative Environmental Noise Levels

<i>Common Outdoor Activities</i>	<i>Noise Level (dBA)</i>	<i>Common Indoor Activities</i>
	—110—	Rock Band
Jet Fly-over at 100 feet		
	—100—	
Gas Lawnmower at 3 feet		
	—90—	
		Food Blender at 3 feet
Diesel Truck going 50 mph at 50 feet	—80—	Garbage Disposal at 3 feet
Noisy Urban Area During Daytime		
Gas Lawnmower at 100 feet	—70—	Vacuum Cleaner at 10 feet
Commercial Area		Normal Speech at 3 feet
Heavy Traffic at 300 feet	—60—	
		Large Business Office
Quiet Urban Area During Daytime	—50—	Dishwasher in Next Room
Quiet Urban Area During Nighttime	—40—	Theater, Large Conference Room (background)
Quiet Suburban Area During Nighttime		
	—30—	Library
Quiet Rural Area During Nighttime		Bedroom at Night, Concert Hall (background)
	—20—	
		Broadcast/Recording Studio
	—10—	
Threshold of Human Hearing	—0—	Threshold of Human Hearing

SOURCE: California Department of Transportation 1998

COLIA ACOUSTICAL CONSULTANTS

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Newport Beach, CA 92663
Certified Acoustical Consultants
Phone 714 960-7511
Fax 714 960-6775
Email: RColia@socal.rr.com

L11-105

October 31, 2011

Mr. Andrew Gonzales
City of Huntington Beach
Planning and Building Department
2000 Main Street
Huntington Beach, CA 92648

SUBJECT: Response to Questions for Acoustical Study for Vittorio's Restaurant Project
At 5921 Warner Avenue in Huntington Beach

Dear Mr. Gonzales

I have the following information on the questions/concerns expressed in an e-mail dated
October 31, 2011.

1. Concerning the outdoor patio area and the associated noise from plates and utensils, etc.: if there are people talking and sitting at tables to be served the tablecloths on the tables with their bodies and clothing will absorb most reflected sound waves. Tablecloths will muffle the plate, utensil and glassware sounds. Sounds can dissipate from either of the open sides.
2. In the study an outside patio number of 36 people was used in the calculations. To evaluate 64 people the following equation was used:

$$10 \text{ Log } (64 \text{ people}/36 \text{ people}) = 40.7 \text{ dBA} = \mathbf{43.2 \text{ dBA}}$$

The added number of people will take into account any other table noise. This value meets the City standard of 45 dBA at the NW residences.

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ATTACHMENT NO. 7.1

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3. The noise levels are as follows:

TABLE 3 (revised)

Summary of Results – Northeast and East Residential Areas

<i>Restaurant Area</i>	<i>Noise Level Reference</i>	<i>Distance to Residences</i>	<i>Noise Level @ Residences</i>	<i>City Nighttime Std. dBA</i>
Band Music	81 dBA	300' NW 350' East 50' PL	41 dBA 39.7 dBA 43.2 dBA	45 45 50
Outdoor Patio	80.6 dBA	300' NW 350' East 50' PL	40.7 dBA 39.7 dBA 42.8 dBA	45 45 50

If you have any further questions please call.

Sincerely;



Richard Colia
Certified Acoustical Consultant

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OCT 31 2011

Dept. of Planning
& Control

ATTACHMENT NO. 7.2