MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 25, 2014
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Chair Peterson

ROLL CALL: ***A Dingwall, P Posey, P Franklin, P Peterson, P Pinchiff, P Bixby, P Kalmick***

Commissioner Dingwall was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY KALMICK, SECONDED BY PINCHIFF, TO APPROVE THE PLANNING COMMISSION AGENDA OF MARCH 25, 2014, BY THE FOLLOWING VOTE:

AYES: **Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick**
NOES: **None**
ABSENT: **Dingwall**
ABSTAIN: **None**

MOTION APPROVED

A. PUBLIC COMMENTS - NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 14-001 (BOUDIN BAKERY ON-SITE ALCOHOL SALES) Applicant: Jared Taylor, Andre Boudin Bakeries, Inc. **Property Owner:** Mickel5points Holdings LLC & Beach Center Partners **Request:** To permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within a 3,015 sq. ft. proposed eating and drinking establishment and a 650 sq. ft. outdoor dining area. **Location:** 18541 Beach Boulevard #102, 92648 (southwest corner of Beach Boulevard and Main Street) **City Contact:** Tess Nguyen, Associate Planner

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 14-001 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Posey has visited the site.
- Vice-Chair Franklin has visited the site.
- Chair Peterson has visited the site.
- Commissioner Pinchiff has visited the site.
- Commissioner Bixby has visited the site and spoken with staff.
- Commissioner Kalmick has visited the site, and the restaurant's San Francisco location.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project. Ms. Nguyen noted that staff recommended a minor modification to Condition No. 2.k., removing the line, "The outdoor dining area shall have only one entry/exit point."

THE PUBLIC HEARING WAS OPENED.

Mark Fernandez, applicant, spoke in support of Item No. B-1. He indicated that he was in agreement with all of staff's modified recommended conditions.

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

There was a brief discussion regarding the project landscaping.

There was a brief discussion regarding the proposed hours of operation for the project and a potential additional condition limiting alcohol service to beer and wine only.

STRAW VOTE #1
A motion was made by Bixby, seconded by Franklin, to add a condition limiting the sale of alcohol to beer and wine only.

AYES: Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick
NOES: None
ABSTAIN: None
ABSENT: Dingwall

MOTION APPROVED

A MOTION WAS MADE BY KALMICK, SECONDED BY FRANKLIN, TO APPROVE CONDITIONAL USE PERMIT NO. 14-001 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL TO DELETE THE FIRST SENTECE OF CONDITION NO. 2.K. AND TO INCLUDE STRAW VOTE MOTION NO. 1, BY THE FOLLOWING VOTE:

AYES: Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick,
NOES: None
ABSTAIN: None
ABSENT: Dingwall

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and 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 a minor modification to the operation of the existing development involving negligible expansion of an existing use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 14-001:

1. Conditional Use Permit No. 14-001 to permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine only) within a 3,015 sq. ft. proposed eating and drinking establishment and a 650 sq. ft. outdoor dining area at an existing mixed-use center site 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 sales and service of alcoholic beverages is regulated by the provisions of Chapter 9.44 of the Huntington Beach Municipal Code. The subject request will not result in noise, safety, or compatibility issues. Residential properties to the northwest will be adequately buffered from the subject building by Main Street and Ellis Avenue. Residential properties to the northeast are adequately buffered from the subject building by Main Street and Ellis Avenue. The residential uses are located in a highly urbanized area where there is a mix of residential and commercial uses and where no impacts are expected to occur. In addition, the BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. Furthermore, the consumption of alcoholic beverages will be wholly contained within the building's interior and designated outdoor dining area and will not generate detrimental impacts onto surrounding properties.

2. The request to permit the sale, service, and consumption of alcoholic beverages at a proposed restaurant will be compatible with surrounding uses because the project is located within an existing mixed-use commercial center. The restaurant is surrounded by commercial and restaurant uses and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to alcohol service and operation to assure that any potential impacts to the surrounding properties are minimized.

3. The request to permit the sale, service, and consumption of alcoholic beverages at a proposed restaurant will comply with the Town Center Neighborhood segment of the Beach and Edinger Corridors Specific Plan (BECSP), and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The BECSP allows eating and drinking establishments with alcohol service subject to approval of a conditional use permit. The BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. There is no physical expansion that includes additional floor area to the existing building as part of this request and the proposed use will comply with all building occupancy/exiting requirements.

4. The granting of the conditional use permit to permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within a proposed eating and drinking establishment and proposed outdoor dining area is consistent with the General Plan. 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 policies, objective, and goal of the City's General Plan as follows:

A. *Land Use Element*

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

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

The proposed project will permit the sale, service and consumption of alcoholic beverages within a proposed restaurant suite and proposed outdoor dining area at the Five Points Plaza commercial center. 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 by permitting the sale of alcoholic beverages in a safe manner for customers and residents of the surrounding area.

B. *Economic Development Element*

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

The project is located along a 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 commercial center.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 14-001:

1. The site plan and floor plan received and dated January 3, 2014, shall be the conceptually approved design.

2. The use shall comply with the following:

   a. Hours of operation shall be limited to between 7:00 AM and 10:00 PM seven days a week.

   b. 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)**

c. All alcoholic beverages shall remain within the interior of the restaurant or within the confines of the enclosed outdoor dining area. Service of alcoholic beverages for off-site consumption shall be prohibited. **(PD)**

d. A sign shall be posted stating alcoholic beverages are not allowed outside the restaurant/outdoor dining areas. **(PD)**

e. Dancing and entertainment shall be prohibited unless a Conditional Use Permit is issued by the Planning Commission and a valid Entertainment Permit is issued by the Police Department. **(PD)**

f. 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 the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

g. An employee shall maintain continuous supervision at all times of the outdoor dining area when the outdoor dining area is being utilized for the sales, service, or consumption of alcoholic beverages. **(PD)**

h. The sale of alcoholic beverages in the outdoor dining area shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**

i. The outdoor dining area shall be for the sole use of Boudin Bakery customers to prevent alcohol from being easily handed from the dining area to the surrounding sidewalks and walkways where people may loiter. **(PD)**

j. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**

k. A sign shall be posted in a conspicuous space at the entrance/exit point of the outdoor dining area, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**

l. No patrons/customers shall be allowed to carry an alcoholic beverage from the interior portion of the restaurant to the outdoor dining area or from the outdoor dining area to the interior of the restaurant. **(PD)**

m. All outdoor areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**

n. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, no dining or consumption of alcoholic beverages shall be permitted on the outdoor dining areas between the hours of 10:00 PM and 7:00 AM. **(PD)**

o. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48

hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. **(PD)**

p. All owners, employees, representatives, and agents shall obey all state, local, and municipal laws, 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)**

q. Consumption of alcohol on the premises shall be limited to the conditions contained in the ABC Type 41 license (On Sale Eating Place – Beer and Wine). **(PC)**

3. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

4. Conditional Use Permit No. 14-001 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.

5. The Planning Commission reserves the right to revoke Conditional Use Permit No. 14-001 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance, or Municipal Code occurs.

6. Incorporation of sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems (http://www.builditgreen.org/green-building-guidelines-rating/).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED OCTOBER 22, 2013

RECOMMENDED ACTION: Motion to: "Approve the October 22, 2013, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY PETERSON, SECONDED BY FRANKLIN, TO APPROVE THE OCTOBER 22, 2013 PLANNING COMMISSION MINUTES AS AMENDED, BY THE FOLLOWING VOTE:

AYES: Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick
NOES: None
ABSTAIN: None
ABSENT: Dingwall

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS

D-1. GENERAL PLAN CONFORMANCE NO. 14-001 (DISPOSITION OF TWO SURPLUS CITY PARCELS)

Applicant: Kellee Fritzal, Office of Business Development, City of Huntington Beach **Property Owner:** City of Huntington Beach **Request:** To determine if if the disposition of City owned surplus parcels is in conformance with the goals, objectives, and policies of the General Plan. **Location:** Parcel 1: APN 111-150-13 (Southeast corner of Garfield Avenue at Gothard Street); Parcel 2: APN 153-261-24 (Existing walkway between Madeline Drive and TRI Pointe Homes residential subdivision at former Wardlow School) **City Contact:** Hayden Beckman, Assistant Planner

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1676, approving General Plan Conformance No. 14-001 with findings (Attachment Nos. 1 and 2)."

Hayden Beckman, Assistant Planner, gave the staff presentation and an overview of the project. Mr. Beckman reviewed a minor correction to the parcels' APN numbers listed in the suggested findings and Resolution No. 1676.

There was a brief discussion regarding the history of the project parcels.

A MOTION WAS MADE BY PETERSON, SECONDED BY FRANKLIN, TO ADOPT MODIFIED RESOLUTION NO. 1676 APPROVING GENERAL PLAN CONFORMANCE NO. 14-001 WITH MODIFIED FINDINGS, BY THE FOLLOWING VOTE:

AYES: Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick
NOES: None
ABSTAIN: None
ABSENT: Dingwall

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed project is categorically exempt pursuant to Section 15312, Class 12 of the California Environmental Quality Act (CEQA) which allows for the sale of surplus government property.

FINDINGS OF APPROVAL- GENERAL PLAN CONFORMANCE NO. 14-001

1. The sale of City owned surplus properties conforms to the following goals, objective and policy of the Land Use and Housing Elements of the General Plan:

Land Use Element

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

Objective LU 8.1: Maintain the pattern of existing land uses while providing opportunities for the evaluation, including intensification and re-use of selected sections in order to improve their character and identity.

Policy LU 8.1.1: Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map.

The proposed sale of these two surplus parcels may allow for future development. Parcel 1 (APN 111-150-13) will be sold to an adjacent property owner, to be incorporated into a project site for future development. Parcel 2 (APN 153-261-24) will be divided equally and ownership transferred to the two adjacent single family residential property owners providing larger side yard areas. Additionally, the proposed sale will generate revenue for the City, while removing potential maintenance costs and liability for the land. The sale of these properties will remove the City's debt obligation to maintain the properties.

B. Housing Element

Goal H 3.0: A key element in satisfying the housing needs of all segments of the community is the provision of adequate sites for housing of all types, sizes, and prices.

The proposed sale of the City's surplus properties may allow for future residential development, which provides housing opportunities for future residents in Huntington Beach.

D-2. PLANNING COMMISSION COMMITTEE ASSIGNMENTS – Jane James, Planning Manager

RECOMMENDATION: Motion to: "Approve Planning Commission Committee Assignments."

Chair Peterson gave a brief overview of the committee assignments needing to be filled.

A MOTION WAS MADE BY PETERSON, SECONDED BY PINCHIFF, TO APPROVE PLANNING COMMISSION COMMITTEE ASSIGNMENTS, BY THE FOLLOWING VOTE:

AYES:	**Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**Dingwall**

MOTION APPROVED

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Director of Planning and Building - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning and Building – reported on the items for the next City Council Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Jane James, Planning Manager– reported on the items for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS - NONE

F-2. PLANNING COMMISSION COMMENTS

Chair Peterson commended staff on the General Plan Update kickoff bonfire. He noted that he also attended the Vans Skate Park Opening.

Vice-Chair Franklin noted that he had also attended the Vans Skate Park Opening and was impressed by the turn out and thinks it will be a good project for the city.

Commissioner Pinchiff stated that he had attended the Vans Skate Park Opening and felt the project would be an asset to the community. He noted that he had recently attended the 3/One Run benefitting the 3rd Battalion/1st Marines and commended the Huntington Beach Municipal Employees and Johnny's Salon for their work on that event. Commissioner Pinchiff spoke briefly regarding Surfboards on Parade and commended the Huntington Beach Rotary Club and Hoag Hospital for their work on that event.

Commissioner Bixby noted that he attended the General Plan Update kickoff bonfire and felt that it was a good start to the update process. He noted that there would be two additional General Plan Update meetings later in the week and asked staff to speak on that.

Scott Hess, Director of Planning and Building, noted that on Thursday, March 27, 2014, and Saturday, March 29, 2014, staff would be hosting General Plan Update workshops and encouraged the public to attend.

Commissioner Posey stated that he had attended the Vans Skate Park Opening and felt it was a great event and well attended.

ADJOURNMENT: Adjourned at 7:33 PM to the next regularly scheduled meeting of Tuesday, April 8, 2014.

APPROVED BY:

Scott Hess, Secretary

Erik Peterson, Chairperson