MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, FEBRUARY 28, 2012
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *P Shier Burnett, P Peterson, P Bixby, P Mantini, P Delgleize, P Farley, P Ryan*

AGENDA APPROVAL

A MOTION WAS MADE BY PETERSON, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF FEBRUARY 28, 2012, BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Farley, Ryan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 11-030 (GYU-KAKU RESTAURANT – ALCOHOL SERVICES) – Hayden Beckman, Planning Aide

Hayden Beckman, Planning Aide, gave a brief overview of the proposed project.

Commissioner Bixby confirmed with staff that the proposed item is to allow alcohol sales in the patio area.

Mr. Beckman confirmed the request for alcohol sales in the patio area.

Commissioner Bixby inquired if staff was aware that the restaurant becomes extremely busy during happy hour and if the patio area would impact the location that the patrons use while waiting to be seated.

Mr. Beckman stated that he would contact the business owner and determine if additional conditions are needed.

A-2. TWELVE-MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 09-001 (DIGG'S RESTAURANT & BAR) – Jill Arabe, Assistant Planner

Jill Arabe, Assistant Planner, gave a brief overview of the proposed project. Ms. Arabe noted that Captain Stuart of the Huntington Beach Police Department was present to answer questions.

Commissioner Shier Burnett inquired with Captain Stuart if he could clarify the appeal and repeal of a noise compliant received by the Huntington Beach Police Department Captain Stuart explained that he believed it was an error made on behalf of the police officer.

Commissioner Bixby inquired if the complaint regarding entertainment going beyond the restricted time was in excess of minutes or hours. Captain Stuart stated that the officer who responded to the complaint had the impression the violation was more than hour but was unable to verify the complaint.

A-3. GENERAL PLAN AMENDMENT NO. 11-002 / ZONING TEXT AMENDMENT NO. 11-002 (VANS SKATE PARK PROJECT) – Tess Nguyen, Associate Planner

Tess Nguyen, Associate Planner, gave a brief overview of the proposed project.

Commissioner Bixby inquired if the City has been meeting the affordable housing obligations outlined in the Housing Element. Ms. Nguyen, explained that the City's current housing element was certified by the Housing and Community Development Agency, which monitors the number of potential affordable housing projects within cities.

A brief discussion took place regarding affordable housing numbers within the City and the policies that monitor the process.

B. STUDY SESSION ITEMS – NONE

C. PUBLIC COMMENTS – NONE

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed items for the public hearing portion of the meeting.

He noted that there are six Late Communications for Item No. B-1 and B-2. He noted that the public hearing for Item No. B-1 has been closed, however, the residents are asking for the public hearing to be re-opened. Mr. Fauland stated that re-opening the public hearing is at the discretion of the Planning Commission.

E. PLANNING COMMISSION COMMITTEE REPORTS - NONE

F. PLANNING COMMISSION COMMENTS

Scott Hess, Director of Planning and Building, reported on the items from the previous City Council Meeting.

5:47 P.M – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE- Led by Commissioner Delgleize

P P P P P P P

ROLL CALL: ***Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Farley, Ryan***

AGENDA APPROVAL

A MOTION WAS MADE BY FARLEY, SECONDED BY RYAN TO APPROVE THE PLANNING COMMISSION AGENDA OF FEBRUARY 28, 2012, BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Farley, Ryan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A MOTION WAS MADE BY PETERSON, SECONDED BY SHIER BURNETT, TO MOVE ITEM NO. D-1 AFTER ORAL COMMUNICATIONS AND PRIOR TO ITEM NO. B-1 BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

A. PUBLIC COMMENTS -

Mike Adams, applicant, spoke in support of Item D- 1 and noted that he is available to answer any questions.

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 11-024/VARIANCE NO. 11-006 (HB WOMAN'S CLUB) Applicant: Michael C. Adams **Property Owner:** H.B. Woman's Club, c/o Jacqueline Judd **Request: CUP:** To permit the establishment of a club/lodge for the reconstruction of the former woman's clubhouse, originally built in 1916, that was destroyed by fire. **VAR:** To reconstruct the woman's

clubhouse with (a) 4 parking spaces in lieu of a minimum of 73 spaces, (b) 55% lot coverage in lieu of the maximum 50%, (c) 20 ft. turnaround radius in lieu of 25 ft. **Location:** 420 10th Street, 92648 (east side of 10th Street, between Orange Avenue and Pecan Avenue) **Project Planner:** Jill Arabe

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 11-024 and Variance No. 11-006 with suggested findings and suggested conditions of approval (Attachment No. 1)"

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site and attended the study session.
- Commissioner Peterson has visited the site and attended the study session.
- Vice Chair Bixby has visited the site, attended the study session, and spoken with Mike Adams.
- Chair Mantini has visited the site and attended the Study Session.
- Commissioner Delgleize has visited the site, attended the study session, spoken with Rosemary Trout, and spoken with Mike Adams.
- Commissioner Farley has attended the study session, spoken with Gloria Alvarez, Kim Kramer, and Mike Adams.
- Commissioner Ryan has spoken with Mike Adams, attended the study session, and visited the site.

Jill Arabe, Assistant Planner, gave the staff presentation and an overview of the project.

THE PUBLIC HEARING WAS OPENED.

Mike Adams, applicant, spoke in support of Item No. B-. He noted that the need for on-street parking is not unique to the property. He stated that he is willing to work with the residents in the area to reach a solution that will be satisfactory for the residents and the Woman's Club.

Rajina Ulirna, Women's Club of Huntington Beach, spoke in support of Item No. B-1. She stated that the Women's Club is a charitable organization.

Gina Rose Fedak, Women's Club of Huntington Beach, spoke in support of Item No. B-1. She stated that the parking, noise, and public nuisance impacts mentioned by neighboring residents are due in part to the overflow from Main Street.

Margo Cormier, resident, spoke in opposition to Item No. B-1 citing concerns with potential noise, parking, and public nuisance impacts.

Janice Hopkins, resident, spoke in opposition to Item No. B-1 citing concerns with potential noise, parking, and public nuisance impacts.

Robert Gibson, resident, spoke in opposition to Item No. B-1 (with 4 minutes each donated by Rita Manasse and Karen Dona) citing concerns with potential parking, noise, and public nuisance impacts. He objected to the variances

requested, noting that other homes in the neighborhood were not granted variances.

Margaret Lown, resident, stated she had no concerns with Item No. B-1. She would like to be reimbursed for the damage to her property and vehicle caused by the fire.

Carole Ann Wall, Women's Club of Huntington Beach, spoke in support of Item No. B-1. She submitted a signed petition in support of the project for the record.

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

There was a brief discussion regarding private events at the site during holidays when the downtown area is known to become congested.

Commissioner Farley expressed concern with the events held previously at the site and suggested limiting the clubhouse to club events only and no rentals. Chair Mantini noted that she felt this would be overly restrictive. There was a lengthy discussion regarding limiting the scope of events that can be held at the facility.

There was a brief discussion regarding the number of guests per event.

STRAW VOTE #1
A motion was made by Mantini, seconded by Delgleize, to restrict the number of guests to 75 per event.

AYES:	**Shier Burnett, Peterson, Bixby, Mantini, Delgleize, , Ryan**
NOES:	**Farley**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

There was a brief discussion regarding limiting the hours of operation.

STRAW VOTE #2
A motion was made by Shier Burnett, seconded by Delgleize, to limit the hours of operation from 8:00 AM to 9:00 PM.

AYES:	**Shier Burnett, Peterson, Bixby, Mantini, Delgleize, , Ryan**
NOES:	**Farley**
ABSENT:	**None**
ABSTAIN:	**None**

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY DELGLEIZE, TO APPROVE CONDITIONAL USE PERMIT NO. 11-024/VARIANCE NO. 11-006 SUGGESTED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Ryan**
NOES:	**Farley**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

CONDITIONAL USE PERMIT NO. 11-024/VARIANCE NO. 11-006

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 15302, Class 2, of the CEQA Guidelines, which states that projects involving the replacement of the existing structure of a similar size are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-024:

1. Conditional Use Permit No. 11-024 to permit the establishment of a use (club/lodge) as a reconstruction of the former Woman's Club 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 former structure is listed as a Historical Landmark within the City's General Plan. Because the building was destroyed more than 50% of its value, it may not be completely rebuilt without review and approval of discretionary permits. Furthermore, the use will remain consistent. The site has historically existed as the Woman's Club since 1916 and the ability to maintain the operation would not change the character of the area. No reports related to noise, traffic, and safety has been reported to Code Enforcement regarding the Woman's Club, however public testimony has demonstrated otherwise. As conditioned, the proposed use will include limitations on the hours of operation, types of activities, and frequency of activities to address and reduce potential impacts to surrounding residences. No changes to the prior site configuration will be provided, with the exception of the loss of one parking space, and compliance with landscaping.

2. The conditional use permit will be compatible with surrounding uses because the use and the reconstructed building will remain substantially the same as it was prior to the fire. The events within the reconstructed building will occur indoors with the condition for noise attenuating walls. The bungalow architecture of the building will blend with the residential homes by incorporating similar design elements such as a gable roof with exposed rafters and a front porch. Landscaping will also improve and enhance the property. The site has no recorded history of issues with regards to the operation of the club. Additional parking is not necessary because the site will be rebuilt with the former site layout and has historically functioned without compliance with current development standards.

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, with the exception of the requested variances, and any specific condition required for the proposed use in the district in which it is located. The reconstructed building will conform with applicable development regulations, including the variance requests for

parking, lot coverage, and turnaround radius. Due to the fire, the structure was destroyed more than 50% of the value and a conditional use permit is required to establish the club/lodge.

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 RMH-A (Residential Medium High Density-Small Lot Subdivision) 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 7.1.3: Allow for the continued occupancy, operation, and maintenance of legal uses and structures that exist at the time of adoption of the General Plan and become non-conforming due to use, density, and/or development requirements.

      Policy – LU 4.2.2: Permit historically significant buildings to vary from standard City codes; providing that the variations do not endanger human life and buildings comply with the State Historical Code.

      Objective – LU 15.5: Ensure that development achieves the visual and physical character intended for the district in which it is located.

      The project consists of the proposed reconstruction of a Historical Landmark as listed in the General Plan (Table HCR-2). Due to the nature of the destruction of the historic building by fire, the Woman's Clubhouse cannot be completely rebuilt without the review and approval of discretionary permits (Conditional Use Permit and Variance). In order to retain the same capacity and function of the Woman's Club, the building proposed with a similar size as the former structure cannot comply with current development standards. However, the design of the new building considers the surrounding residential environment by providing a single story cottage bungalow accompanied with landscaping. The continuation of the use would not change the character of the downtown area and the block of homes because the operation will remain the same.

   B. *Historic and Cultural Resources Element*

      Policy – HCR 2.1.2: Provide technical assistance to historic, cultural groups and artists.

      Goal – HCR 1: To promote the preservation and restoration of the sites, structures and districts which have architectural, historical, and/or archaeological significance to the City of Huntington Beach.

      The Woman's Club has been established since 1908 and located at the subject site since 1916. Its presence in the City is significant and historical as documented in the General Plan. It has survived longer than much of the development in the vicinity. The intent of the project is to continue the club's operation considering the loss of its structure due to fire and its listing as a Historical Landmark. Although the structural resource is removed, the existence of the club remains. The relocation of the club or the reduction of the building would minimize the ability to operate in the same capacity prior to the destruction by fire.

FINDINGS FOR APPROVAL – VARIANCE NO. 11-006:

1. The granting of Variance No. 11-006 to permit (a) 4 parking spaces in lieu of 73 parking spaces, (b) 55% lot coverage in lieu of a maximum 50%, and (c) 20 ft. turnaround radius in lieu of a minimum of 25 ft. will not constitute a grant of special privilege inconsistent with limitation upon other properties in the vicinity and under an identical zoning classification. The proposed building replicates the former Woman's Club, listed as a Historical Landmark in the City's General Plan, in a similar size and design. No significant changes to the site are proposed that would increase the prior nonconformities. The project will continue the same use prior to the destruction of the historical structure. Furthermore, it is not feasible to provide the amount of parking required on the site based on the assembly area because the use will not function in the same manner. The size of the lot cannot accommodate the proper circulation, parking space dimensions, and parking lot design for an assembly use. More parking onsite would also be incompatible with the surrounding residential uses. The Woman's Club has been operating since 1916 and has not generated a history of complaints with Code Enforcement and the Police Department. Public testimony has indicated that conditions imposed on the operation of the Woman's Club are necessary to minimize potential impacts and make the use more compatible to the neighborhood. Members and guests to the site will typically park on the street, consistent with other uses in the vicinity. The size of the building will maintain the historical significance of the former Woman's Club because it is not changing from what was previously developed prior to the fire. The project is not requesting an increase in height or an expansion in services, as other permitted uses typically request when improving property.

2. Because the former structure is listed as a Historical Landmark, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. The project is required to comply with the development standards consistent with residential homes not a public-semipublic use (club/lodge). The parking requirement is more restrictive because it is based on the square footage of assembly area within the building. As a result, an assembly area of 140 sq. ft. would only be permitted with four (4) parking spaces. Also, the former structure on the property is listed as a Historical Landmark in the General Plan. It was built in 1916, prior to the compliance of zoning regulations applicable to parking, lot coverage, and turnaround radius. It is also one of the smallest properties with a public-semipublic use (club/lodge) and listed as a Historical Landmark in the General Plan.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The Woman's Club has existed at the site for 95 years and to require compliance with current development standards would deem the site infeasible for the continued operation of a Historical Landmark. The zoning code requires more onsite parking and additional vehicular circulation to a site that has no history of issues related to these requirements. The Woman's Club has functioned without onsite parking because the club members ride share and their events are primarily held during the daytime hours when on-street parking is typically available.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The site will operate in the same capacity and function since 1916. The variances will not increase the nonconformities that were previously existing onsite, but allow for the continued operation of the Woman's Club that has functioned without complaints related to the variances. Based on conditions imposed on the project, potential impacts are anticipated to be minimized and mitigated.

5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RMH (Residential Medium High Density) on the subject property, including the goals and policies:

   A. *Land Use Element*

   Policy – LU 7.1.3: Allow for the continued occupancy, operation, and maintenance of legal uses and structures that exist at the time of adoption of the General Plan and become non-conforming due to use, density, and/or development requirements.

   Policy – LU 4.2.5: Require that all commercial, industrial, and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the American's with Disabilities Act.

   B. *Historic and Cultural Resources Element*

   Goal – HCR 1: To promote the preservation and restoration of the sites, structures, and districts which have architectural, historical, and/or archaeological significance to the City of Huntington Beach.

   Policy – HCR 1.1.2: Consider the designation of any historically significant public trees, archaeological sites, or structural sites or areas deemed to be of historical, archaeological, or cultural significance as a Huntington Beach City Historical Point, Site or District.

   The variances will not increase the nonconformities on a previously developed site, but will allow for the continued operation of a Historical Landmark. The project will replicate the former structure with an improved architectural design that is compatible with the residential neighborhood. Compliance with the development standards related to parking, turnaround radius, and lot coverage will eliminate the function of the historic use in the same manner that has previously been operating for 95 years.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-024/VARIANCE NO. 11-006:

1. The site plan and floor plan received and dated October 27, 2011 shall be the conceptually approved design with the following modifications:
   a. Building walls shall be depicted on the floor plan with sound attenuating materials or other method as deemed appropriate by an acoustical analysis report such that noise emanating from the interior of the unit does not exceed established thresholds in the noise ordinance. (HBMC 8.40)
   b. The site plan shall depict the 20 ft. turnaround radius from the parking space(s) to the property line on the other side of the existing alley.
   c. The site plan shall depict the 3 ft. wide landscape planters adjacent to the ends of the row of parking.
   d. The lot coverage calculation shall include the 48 sq. ft. porch area.
   e. The site plan shall depict a minimum of 8% landscaping and one 36 in. box tree within the front yard.
2. Prior to the submittal for building permits, the following shall be completed and approved in compliance with the modification listed under Condition No. 1:

a. An acoustical analysis report prepared by a state licensed engineer or architect shall be completed and submitted in conjunction with the construction drawings demonstrating that the improvements will effectively mitigate noise emanating from the building.

b. Construction plans for sound attenuation on the unit's building walls shall be submitted to the Building Division.

3. Prior to the final of the building permits, the applicant shall install required sound attenuation on the unit's building walls and a test shall be conducted to verify the attenuation.

4. Only the uses described in the project narrative dated December 22, 2011 shall be permitted, including monthly Woman's Club meetings, bridge and bingo games, and occasional private events where all the proceeds go to local charity and high school scholarships.

5. Weekday events (Monday-Thursday) held for the Woman's Club or for private renters shall comply with the following:

a. No events shall be open to the general public.

b. Hours of operation shall be limited to between the hours of 8:00 AM to 9:00 PM.

c. No person shall remain on the premises after 9:30 PM.

d. Maximum occupancy of the building shall not exceed 75 persons.

e. A Woman's Club member shall open and close the facility.

f. An event posting (8 ½" x 11") shall be located at the front of the facility including the contact person/organization, the Woman's Club member name and contact phone number, the number in attendance, the hours reserved, whether alcohol will be served/consumed, and language containing City Code Enforcement's contact phone number and hours of operation for any unresolved complaints.

g. The contact person for the event shall be on the premises at all times during the event.

h. No outdoor activities shall be permitted.

i. Recorded music may be permitted but shall not exceed the noise standards within the Noise Ordinance (HB Municipal Code Section 8.40).

j. All exterior doors and windows shall remain closed during activities involving recorded music.

k. All recorded music shall remain within the interior of the building at all times.

l. Alcohol use shall be limited to the following:

i. Prior to serving alcohol and every 12 months thereafter, the Woman's Club shall send all members involved in serving alcohol to members or guests to the Licensing Education on Alcohol and Drugs (LEADS) training presented by the California Department of Alcoholic Beverage Control (ABC), or other ABC approved course.

ii. No alcohol or alcoholic beverages shall be served after 8:30 PM.

iii. No more than one event (Woman's Club or private rental) involving alcohol shall occur during the week (Mon. – Thurs.).

iv. No general public sale of alcohol shall be permitted at any time.

v. No alcohol shall be served or consumed outside of the building including on the porch.

vi. Alcohol use shall be restricted to a Type 51 (non-profit) ABC license. Alcohol use shall be restricted to members/guests and to consumption onsite within the building. All conditions set forth in the ABC license shall apply.

vii. A caterer's permit for distributing alcohol or the appropriate one-day event license shall be obtained from the ABC Board for all sub-leased functions where alcohol will be served.

6. Weekend events (Friday-Sunday) held for the Woman's Club or for private renters shall comply with the following:

a. No events shall be open to the general public.

b. Hours of operation shall be limited to between the hours of 9:00 AM and 10:00 PM.

c. No person shall remain on the premises after 10:00 PM.

d. Maximum occupancy of the building shall not exceed 75 persons.

e. A Woman's Club member shall open and close the facility.

f. An event posting (8 ½" x 11") shall be located at the front of the facility including the contact person/organization, the Woman's Club member name and contact phone number, the number in attendance, the hours reserved, whether alcohol will be served/consumed, and language containing City Code Enforcement's contact phone number and hours of operation for any unresolved complaints.

g. No outdoor activities shall be permitted.

h. Any time during live entertainment activities or alcohol service, a minimum of one security guard shall monitor the perimeter of the facility to maintain order and prevent any activities which would impact the adjacent residential properties.

i. All security guards shall possess a California State Guard Card.

j. All security guards shall be required to wear a distinctive, identifiable uniform with "Security" printed or embroidered in contrasting colors on their shirts and/or jackets.

k. Live entertainment or recorded music shall be limited to the following:

i. Live entertainment shall terminate by 9:30 PM. Live entertainment shall be limited to non-amplified music (piano and acoustic guitar only), karaoke and disc jockeys, with a maximum of two performers. Recorded music may be permitted but shall not exceed the noise standards within the Noise Ordinance (HB Municipal Code Section 8.40).

ii. No more than one event (Woman's Club or private rental) involving live entertainment or alcohol shall occur within the same weekend.

iii. No more than two events (Woman's Club or private rental) involving live entertainment or alcohol shall occur per month.

iv. All exterior doors and windows shall remain closed during activities involving live entertainment or recorded music.

v. All live entertainment or recorded music shall remain within the interior of the building at all times.

l. Alcohol use shall be limited to the following:

i. Prior to serving alcohol and every 12 months thereafter, the Woman's Club shall send all members involved in serving alcohol to members or guests to the Licensing Education on Alcohol and Drugs (LEADS) training presented by the California Department of Alcoholic Beverage Control (ABC), or other ABC approved course.

ii. No alcohol or alcoholic beverages shall be served after 9:30 PM.

iii. No more than one event (Woman's Club or private rental) involving live entertainment or alcohol shall occur within the same weekend.

iv. No more than two events (Woman's Club or private rental) involving live entertainment or alcohol shall occur per month.

v. No general public sale of alcohol shall be permitted at any time.

vi. No alcohol shall be served or consumed outside of the building including on the porch.

vii. Alcohol use shall be restricted to a Type 51 (non-profit) ABC license. Alcohol use shall be restricted to members/guests and to consumption onsite within the building. All conditions set forth in the ABC license shall apply.

viii. A caterer's permit for distributing alcohol or the appropriate one-day event license shall be obtained from the ABC Board for all sub-leased functions where alcohol will be served.

7. Prior to the submittal for building permits, the following shall be completed:
   a. A Lot Line Adjustment application shall be submitted to the Planning Division to merge underlying Lots 18 and 20 on the subject property.
   b. Plans revised pursuant to Condition No. 1 shall be submitted for review and approval to the Planning Division and for inclusion in the entitlement file.
   c. A landscaping plan shall be submitted for review and approval to the Planning Division with applicable fees and submittal requirements.
8. Prior to the issuance of building permits, the following shall be completed:
   a. The landscaping plan shall be approved by the Planning Division.
   b. The Lot Line Adjustment shall be approved by the City and recorded with the County of Orange.
9. All Alcoholic Beverage Control licensing requirements shall be met.
10. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the event may be terminated by any Police Officer, Fire Inspector, or authorized personnel of the City of Huntington Beach.
11. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
12. A review of the use shall be conducted by staff within six (6) months of the issuance of a Certificate of Occupancy or final building permit approval to verify compliance with all conditions of approval, the HBZSO and Municipal Code. The review shall be forwarded to the Planning Commission.
13. CUP No. 11-024/VAR No. 11-006 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.

14. 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.

B-2. ZONING TEXT AMENDMENT NO. 11-003 (AMENDING CHAPTER 248 – PC APPEALS) Applicant: City of Huntington Beach **Request:** To amend Chapter 248, Section 248.28 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to eliminate the fee waiver when an application is appealed by a Planning Commission. **Location:** Citywide **Project Planner:** Jill Arabe

STAFF RECOMMENDATION: Motion to: "Approve Zoning Text Amendment No. 11-003 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No.2), to the City Council for adoption.

Jill Arabe, Assistant Planner, gave the staff presentation and an overview of the project.

Commissioner Shier Burnett stated that was opposed to the Zoning Text Amendment. She stated that members of the public should have access to seek assistance from the Planning Commissioners on items they do not agree with.

Commissioner Farley stated that he was opposed to the Zoning Text Amendment. He noted that government should be transparent and he believes this amendment would take away from that.

Vice-Chair Bixby indicated that he is agreement with Commissioner Shier Burnett and Commissioner Farley

THE PUBLIC HEARING WAS OPENED.

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

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY FARLEY, TO DENY ZONING TEXT AMENDMENT NO. 11-003 WITH FINDINGS FOR DENIAL, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Bixby, Delgleize, Farley, Ryan**
NOES:	**None**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS FOR DENIAL

ZONING TEXT AMENDMENT NO. 11-003

1. Zoning Text Amendment No. 11-003 to amend Chapter 248 of the Huntington Beach Zoning and Subdivision Ordinance would eliminate the fee waiver for Planning Commissioner's appealing Zoning entitlements. The amendment would limit public participation through Planning Commissioner appeals, be inconsistent with neighboring communities appeal fee waivers, and not have any impact on streamlining the development review process. In addition, there has not been any significant time charged based on abuse of the process by the Planning Commission in the last five years.

C. CONSENT CALENDAR – NONE

D. NON-PUBLIC HEARING ITEMS

D-1. TWELVE-MONTH REVIEW OF ENTITLEMENT PLAN AMENDMENT NO. 10-003 (PLAZA ALMERIA CARTS – AMENDMENT TO CONDITIONAL USE PERMIT NO. 2000-015(R)) Applicant: Michael Adams, Michael C. Adams Associates **Property Owner:** John Tillotson, J.T. Development **Request:** A twelve month review of Entitlement Plan Amendment No. 10-003 approved by the Planning Commission on September 14, 2010. The review is to ensure compliance with the approved conditions of approval, applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance, and Municipal Code. **Location:** 301 Main Street (full block bounded by Main Street, Olive Avenue, Fifth Street, and Orange Avenue – Plaza Almeria) **Project Planner:** Ethan Edwards

STAFF RECOMMENDATION: Motion to: "Receive and file as adequate and complete the twelve-month review of Entitlement Plan Amendment No. 10-003."

Ethan Edwards, Associate Planner, gave the staff presentation and an overview of the project.

The commission had no questions for staff.

A MOTION WAS MADE BY RYAN, SECONDED BY SHIER BURNETT TO ACCEPT THE 12 MONTH REVIEW OF ENTITLEMENT PLAN AMENDMENT NO. 10-003 AS ADEQUATE AND COMPLETE BY THE FOLLOWING VOTE WITH FINDINGS BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Delgleize, Bixby, Ryan**
NOES:	**Mantini, Farley**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

E. NON-PUBLIC HEARING ITEMS – NONE

F. 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
Herb Fauland, 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 – NONE

ADJOURNMENT: Adjourned at 9:47 PM to the next regularly scheduled meeting of Tuesday, March 13, 2012.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson