

# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 14, 2015  
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 Commissioner Brenden

P P P P P P P

ROLL CALL: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson

### AGENDA APPROVAL

A MOTION WAS MADE BY BRENDEN, SECONDED BY CROWE, TO APPROVE THE PLANNING COMMISSION AGENDA OF JULY 14, 2015, BY THE FOLLOWING VOTE:

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson  
NOES: None  
ABSENT: None  
ABSTAIN: None

### MOTION APPROVED

A. PUBLIC COMMENTS – NONE

B. PUBLIC HEARING ITEMS

B-1. SITE PLAN REVIEW NO. 15-001/ CONDITIONAL USE PERMIT NO. 15-020/ VARIANCE NO. 15-003 (BEACH MEDICAL PAVILION) Applicant: Ware Malcomb, Mila Cobian Property Owner: Blue Sky HB, LLC, Thomas LeBeau Request: SPR: To permit the construction of a 44,500 sq. ft. two-story medical office building, upgrade of the existing four-level parking structure, and associated site improvements including landscaping, public open space, and surface parking lot. CUP: To permit a 15 ft. front yard setback for the two-story medical office building in lieu of a minimum of 30 ft. front setback. VAR: To allow (a) minimum one-foot wide landscape planter in lieu of five-feet adjacent to parking along east property line (excluding two-feet overhang for parking stalls); (b) one tree located in a diamond planter between spaces at the head of parking stalls in lieu of one tree located within a landscape finger/planter between every five parking spaces; and (c) no landscape planters adjacent to two parking spaces along the south property line in lieu of five-feet of landscape planter. Location: 17752-17762 Beach Boulevard, 92647 (southeast corner of Beach Boulevard and Newman Avenue) City Contact: Jill Arabe, Associate Planner

**STAFF RECOMMENDATION:** Motion to: "Approve Site Plan Review No. 15-001/ Conditional Use Permit No. 15-020/ Variance No. 15-003 with findings, suggested conditions of approval and modifications to provide a minimum five ft. wide landscape planter along the south property line (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Crowe has visited the site and spoke with another planning commissioner.
- Commissioner Semeta has visited the site and attended the study session.
- Vice-Chair Pinchiff has visited the site and attended the study session.
- Chair Kalmick spoke with the applicant, toured the site with the applicant, spoke with staff, and attended the study session.
- Commissioner Mandic has attended the study session, spoke with Commissioner Hoskinson, and visited the site.
- Commissioner Brenden has visited the site and attended the study session.
- Commissioner Hoskinson spoke with Commissioners Mandic and Semeta, spoke with staff, and attended the study session.

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

**THE PUBLIC HEARING WAS OPENED.**

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

There was a lengthy discussion regarding the setback requirements and similar setbacks of other projects along Beach Boulevard. Vice-Chair Pinchiff asked staff why the setback reduction is being processed as a Conditional Use Permit instead of a Variance. Ms. Arabe explained that the Beach and Edinger Corridors Specific Plan was recently amended by the City Council to allow setback reductions to be reviewed through the Conditional Use Permit and were not subject to the special circumstances findings of a Variance.

There was a brief discussion regarding the proposed variance to the landscape requirements.

Tom Lobdell, applicant, spoke in opposition to the landscaping requirement, noting that the adjacent property already provides five feet of landscaping, which he feels is an adequate buffer for both properties.

There was a brief discussion regarding the landscape buffer requirement and the reduction of two parking spaces.

**A MOTION WAS MADE BY CROWE, SECONDED BY KALMICK, TO APPROVE SITE PLAN REVIEW NO. 15-001/ CONDITIONAL USE PERMIT NO. 15-020/ VARIANCE NO. 15-003 WITH FINDINGS AND CONDITIONS OF APPROVAL AS MODIFIED TO ELIMINATE CONDITION NO. 1(a) AND 1(b) WHICH REQUIRED A FIVE FOOT LANDSCAPE PLANTER AND THE REDUCTION OF TWO PARKING SPACES, BY THE FOLLOWING VOTE:**

**AYES: Crowe, Semeta, Kalmick, Mandic, Brenden, Hoskinson**  
**NOES: Pinchiff**  
**ABSTAIN: None**  
**ABSENT: None**

**MOTION APPROVED**

**FINDINGS FOR CEQA EXEMPTION:**

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 of the CEQA Guidelines and Government Code 65457, because the project involves the replacement of two medical office buildings with one new medical office building of substantially the same size, purpose, and capacity.

**FINDINGS FOR APPROVAL – SITE PLAN REVIEW NO. 15-001/ CONDITIONAL USE PERMIT NO. 15-020:**

1. Site Plan Review No. 15-001/ Conditional Use Permit No. 15-020 for the construction of a 44,500 sq. ft. two-story medical office building and a 15 ft. front yard setback in lieu of 30 ft. 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 project will replace two vacant medical office buildings of approximately 48,000 sq. ft. combined and will update a dilapidated parking structure. The commercial development, with the recommended conditions of approval, incorporates elements that provide compatibility of use and design with existing and potential development in the vicinity of the project site, promotes the revitalization of an aging segment of Beach Boulevard, and supports other development surrounding the site. The proposed building features an appropriate design of recesses, façade offsets, massing composition, and pedestrian connections with the street and public open space. Furthermore, the 15 ft. front setback area is composed of abundant landscaping and usable public open space to promote a comfortable pedestrian experience and convenient accessibility. At two stories in height with building offsets of four to ten feet back from the 15 ft. front facade, the building does not pose an overwhelming presence to pedestrians or vehicles along Beach Boulevard. When the trees in front of the building mature, they will provide scale and proportion to the building and ensure compatibility of the project with the street scene. The design of the building is attractive and provides greater visibility of the medical office use along the street than the prior structures. Redevelopment of the site will improve this segment of Beach Boulevard and potentially motivate other commercial properties to redevelop.
2. The project will not adversely affect the Circulation Plan of the BECSP. The project will provide public right-of-way improvements along Beach Boulevard and is conditioned to appropriately dedicate and improve Newman Avenue upon possible removal of the existing parking structure pursuant to the BECSP development code. The improvements to Beach

Boulevard will create a sidewalk protected from the street lanes by a parkway, upgraded lighting fixtures, and a visually attractive street frontage. The public frontage of the streets establishes public realms that focus on pedestrians rather than vehicles. Pedestrian connectivity with the public open space will be enhanced with landscaping to attract activity into and around the site. The project will pay fees commensurate with the project's contribution of traffic on the area-wide roadway system.

3. The proposed commercial development will comply with the provisions of the BECSP development code as specified in the Neighborhood Boulevard Segment. In addition, the project meets all applicable provisions of Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project meets code requirements in terms of building height, massing and volume, public open space, and parking with exception of the variances for landscaping and trees and conditional use permit for front yard setback.
4. The project is consistent with the City's General Plan and applicable requirements of the Municipal Code. The granting of the site plan review will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use – Specific Plan Overlay – Design Overlay on the subject property. In addition, it is consistent with the following goals, objectives and policies of the General Plan:

A. Land Use Element

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Goal LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

Policy LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The proposed development is consistent with the Beach and Edinger Corridors Specific Plan which encourages well articulated buildings, wider walkways, and public open space to enhance the pedestrian and public experience. Approximately 7,500 sq. ft. of public open space will be provided as a plaza at the northwest corner of the property. It will be designed with enhanced landscaping and seating areas. The architecture of the building is contemporary, incorporating a notch, major façade offset, and façade composition change to break up the massing of the building at the street frontage. A combination of concrete panels with form liner reveals, cornices, and gray color treatment is applied along the base of the building with a white aluminum panel canopy at the main lobby entrances. The façade skyline is then capped with parapet walls and cornices with articulating rooflines. This commercial development is proposed within close proximity of compatible existing commercial uses and residential uses in the vicinity. By permitting a mix of land uses closer together, greater interaction will occur between developments and further the vision and viability of the specific plan.

B. Urban Design Element

Goal UD1: Enhance the visual image of the City of Huntington Beach.

Policy UD 1.3.1: Require a consistent design theme and/or landscape design character along the community's corridors, that reflects the unique qualities of each district. Ensure that streetscape standards for the major commercial corridors, the residential corridors, and primary and secondary image corridors provide each corridor with its own identity while promoting visual continuity throughout the City.

The proposed building incorporates design features consistent with the BECSP including varied building articulation and height, compatible colors and materials, usable open space, and wider sidewalks thus improving the visual image along Beach Boulevard. Greater pedestrian activity is anticipated as development continues to progress consistent with the specific plan along the Beach Boulevard corridor. Public improvements are proposed to Beach Boulevard which involve a wider sidewalk and parkway with pedestrian oriented street lights and enhanced landscaping.

C. Economic Development Element

Objective ED 2.4: Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting new commercial uses.

Policy ED 2.4.1: Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

Policy ED 3.3.1: Work with land owners, businesses, and tenants located along the primary corridors and at the principal nodes to define the market character and to create district themes for market recognition purposes.

The existing medical office buildings are vacant and have attracted a transient population to unlawfully occupy the site. The demolition of the existing structures and development of a new office building will actively and visually improve the area. The 1.8 acre site is underutilized and is envisioned to contribute to providing connections between developments in an efficient land use pattern. The proposed project is consistent with the vision for the Beach Boulevard corridor by providing medical services within close proximity of other commercial and residential uses.

D. Circulation Element

Goal CE 8: Maintain and enhance visual quality and scenic views along designated scenic corridors.

Policy CE 8.6: Integrate scenic corridors with open spaces and recreational uses, enhancing public spaces and transitions between differing uses.

The proposed streetscape will initiate the vision for the Neighborhood Boulevard Segment of the specific plan. It will provide a parkway landscape buffer for pedestrians using the public sidewalk. Pedestrian connectivity will be improved with abundant landscaping and architectural elements incorporated within the new public open space plaza and enhanced building features.

**FINDINGS FOR APPROVAL – VARIANCE NO. 15-003:**

1. The granting of the variances for (a) minimum one-foot wide landscape planter in lieu of five-foot adjacent to parking along the east property line (excluding two ft. overhang for parking

stalls); (b) one tree located in a diamond planter between spaces at the head of parking stalls in lieu of one tree located within a landscape finger/planter between every five parking spaces; and (c) no landscape planters adjacent to two parking spaces along the south property line in lieu of five- feet of landscape planter will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under the same zone classification since the variances address unique development constraints related to the subject property including its surroundings, existing improvements, the site's grade differential, and existing parking structure location. The variances will not constitute a grant of special privilege because the property's existing physical conditions limit the location of the new structure and parking lot with the balance of existing improvements.

2. Because of special circumstances applicable to the subject property, including topography and location of existing parking structure improvements, 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 zone classification. The proposed surface parking lot configuration provides continuous vehicular circulation with the south opening of the existing parking structure that will remain. The additional four ft. landscape requirement would affect and shift the drive aisle location westerly which would create an awkward circulation pattern and shift in parking stalls. Additionally, the grade differential on the subject site is about nine feet and limits the developable area of the property. The proposed parking lot configuration works with the existing grades and provides for adequate handicap stalls and access and sufficient drainage pattern on the site. The trees located in diamond planters rather than landscape fingers/islands between stalls will provide adequate shade opportunities for the parking lot. Inserting landscape fingers/islands further minimizes the parking lot area in conjunction with the existing constraints of the property. Existing landscaping of adjacent southerly parcel provides sufficient separation from access easement for parking on subject site.
3. The granting of the variances is necessary to preserve the enjoyment of one or more substantial property rights. The variances will promote better pedestrian and vehicular circulation throughout the site. The parking structure would remain in the same location with architectural upgrades compatible with the new building. The site will meet its parking requirements and access lane widths. The project cannot meet the applicable landscape width requirement along the east property line and tree requirement between every five spaces and landscape width required along south property line due to the existing grade differential and parking garage location. Consequently, strict application of the specific plan would deprive the property owner of the right to remodel and improve the property to meet objectives for community character and vehicular circulation objectives.
4. The granting of the variances will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The existing parking lot along Beach Boulevard will be replaced with public open space, landscaping, and a new building, with an improved surface parking lot at the rear of the new building. The landscape planter adjacent to the east property line is abutting an existing parking lot on the adjacent site with perimeter landscape screening and will therefore not affect surrounding areas. No significant impacts related to traffic, noise, or safety, are anticipated as a result of the proposed location and aesthetics of the improved surface parking lot.

**CONDITIONS OF APPROVAL – SITE PLAN REVIEW NO. 15-001/ CONDITIONAL USE PERMIT NO. 15-020/ VARIANCE NO. 15-003:**

1. The site plan, floor plans, and elevations received and dated June 22, 2015 shall be the conceptually approved design with the following modifications:
  - a. The public open space shall be improved with amenities such as benches, trash receptacles, and shade trees. The final design for the public open space shall be reviewed and approved by the Planning and Building Department.
  - b. The interior of the parking structure walls and ceiling shall be painted in white and lighting shall be located directly between parking stalls or in the center of parking structure aisles. Security measures such as surveillance cameras or onsite security personnel shall be reviewed and approved by the Police Department.
  - c. All new utilities such as backflow devices, Edison transformers, and double check detector assembly devices shall be relocated outside of the front yard setback and screened from view by landscaping subject to review and approval by the Planning and Building Department.
  - d. Install metal pieces intermittently on benches, ramp, and retaining walls to mitigate possible skateboarding related damage and/or injuries. **(PD)**
  - e. Plant and maintain low landscaping surrounding the trash enclosure in order to maintain visibility around the area. **(PD)**
  - f. Civil Sheets No. 1 & 2 shall be revised to identify a 4 ft. parkway adjacent to curb within the public right-of-way.
  - g. The plans shall be revised to include improvements on the south and east elevations of the parking structure consistent with the west and north elevations, such as the base and top color treatments.
2. Prior to issuance of demolition permits, the following shall be completed:
  - a. Existing mature trees or palms that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent. Applicant shall provide a Consulting Arborist report on all the existing trees or palms. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain shall be protected or relocated and how far construction/grading shall be kept from the trunk.
3. Prior to issuance of a precise grading permit, the following shall be completed:
  - a. An interim parking and building materials storage plan shall be submitted to the Planning Division to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department, Public Works Department, and Planning and Building Department.
  - b. Blockwall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Division. Double walls shall be prohibited.

- c. A lighting plan depicting the boulevard-scale street lighting and pedestrian-scale street lighting along street frontages shall be submitted to the Planning and Building Department for review and approval by the Planning Division and Public Works Department.
  - d. The subject property shall submit evidence of the right to complete proposed median and curb improvements within the driveway easement area to the south of the subject parcel.
  - e. A detailed narrative or plan shall be submitted to the Planning Division explaining the sustainable or "green" building practices that will be incorporated into the project.
4. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.
5. Prior to submittal for building permits, the following shall be completed:
  - a. One set of project plans and one 8 ½ inch by 11 inch set of all colored renderings, elevations, and materials sample and color palette, revised pursuant to Condition of Approvals and Code Requirements, shall be submitted for review, approval, and inclusion in the entitlement file, to the Planning Division.
  - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Building, and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
  - c. The subject property shall enter into an Irrevocable Offer to Dedicate and improve the northerly portion of the site pursuant to Section 2.5.1 of Beach and Edinger Corridors Specific Plan. The Irrevocable Offer to Dedicate shall include language that dedication and improvements will be required in the event that the parking structure is demolished or removed/replaced.
6. Prior to issuance of building permits, the following shall be completed:
  - a. A public art element, approved by the Design Review Board, Director of Planning and Building, and the Cultural Services Supervisor, shall be depicted on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society).
7. The structure cannot be occupied, the final building permit cannot be approved and issuance of a Certificate of Occupancy until the following has been completed:

- a. All existing overhead utilities that occur along the project's Newman Avenue frontage shall be undergrounded. This includes the Southern California Edison (SCE) aerial distribution lines (12kV) and poles along the entire length of the westerly frontage of the subject project. This condition also applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies.  
**(PW)**
8. Address assignment application(s) shall be submitted for review and approval prior to submittal of tenant improvement permits for individual suites within the medical office building.
9. Signage shall be reviewed under separate permits and processing.
10. Comply with applicable mitigation measures for the project in conjunction with Environmental Impact Report No. 08-008.
11. The developer or developer's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
12. SPR 15-001/ CUP 15-020/ VAR 15-003 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.
13. Sustainable or "green" building practices shall be incorporated into the design of the proposed structures and associated site improvements. 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.

**COMMISSIONER MANDIC RECUSED HERSELF FROM ITEM NO. B-2 DUE TO A CONFLICT OF INTEREST AND LEFT THE ROOM.**

- B-2. CONDITIONAL USE PERMIT NO. 15-008 (SEASALT RESTAURANT ALCOHOL) Applicant: Alicia Whitney Property Owner: Bijan Sassounian Request: To permit the on-site sale, service, and consumption of alcoholic beverages (full service alcohol – ABC Type 47 License) within a vacant approximately 3,040 sq. ft. indoor and 1,560 sq. ft. outdoor eating and drinking establishment. Location: 21214 Beach Boulevard, 92648 (southeast corner of Beach Blvd. and Atlanta Ave.) City Contact: Ethan Edwards, Associate Planner**

**STAFF RECOMMENDATION:** Motion to: “Approve Conditional Use Permit No. 15-008 with suggested findings and conditions of approval (Attachment No. 1).”

The Commission made the following disclosures:

- Commissioner Crowe has visited the site and spoken with another Planning Commissioner.
- Commissioner Semeta is familiar with the site.
- Vice-Chair Pinchiff has visited the site.
- Chair Kalmick attended previous Planning Commission hearings for the site and has visited the site.
- Commissioner Brenden visited the site and is acquainted with the applicant.
- Commissioner Hoskinson spoke with Commissioners Mandic and Semeta.

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

Chair Kalmick requested that an updated aerial map be included in the file for public records. Mr. Edwards confirmed that staff would include that.

**THE PUBLIC HEARING WAS OPENED.**

Alicia Whitney, applicant, spoke in support of Item No. B-2, giving a brief presentation about the restaurant concept and design. She noted that all staff will be ServeSafe and TIPS Certified.

Dianne Thompson, Chamber of Commerce, spoke in support of Item No. B-2, citing the success of Ms. Whitney's first restaurant in Huntington Beach and stated that the restaurant would be a great complement to the city.

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

There was a brief discussion regarding the parking for the site.

There was a brief discussion regarding the outdoor seating requirements from Alcohol Beverage Control.

Jane James, Planning Manager, recommended amending the operating hours to begin at 8:00 AM to allow for more flexibility in potential future breakfast and lunch service.

**A MOTION WAS MADE BY BRENDEN, SECONDED BY HOSKINSON, TO APPROVE CONDITIONAL USE PERMIT NO. 15-008 WITH WITH SUGGESTED FINDINGS AND MODIFIED CONDITIONS TO ALLOW FOR AN 8:00 AM START OF OPERATING HOURS, BY THE FOLLOWING VOTE:**

**AYES:** Crowe, Semeta, Pinchiff, Kalmick, Brenden, Hoskinson  
**NOES:** None  
**ABSTAIN:** Mandic  
**ABSENT:** None

**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. 15-008:**

1. Conditional Use Permit No. 15-008 to permit the on-site sale, service, and consumption of alcoholic beverages (full service alcohol – ABC Type 47 License) within a vacant approximately 3,040 sq. ft. indoor and 1,560 sq. ft. outdoor eating and drinking establishment at an existing multi-tenant commercial center in the BECSP 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. 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 on-site sale, service, and consumption of alcoholic beverages (full service alcohol – ABC Type 47 License) within a vacant approximately 3,040 sq. ft. indoor and 1,560 sq. ft. outdoor eating and drinking establishment will be compatible with surrounding uses because the project is located within an existing mixed-use center. The restaurant is surrounded by commercial, office, 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 on-site sale, service, and consumption of alcoholic beverages (full service alcohol – ABC Type 47 License) within a vacant approximately 3,040 sq. ft. indoor and 1,560 sq. ft. outdoor eating and drinking establishment will comply with the

Neighborhood Center segment of the 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 the on-site sale, service, and consumption of alcoholic beverages (full service alcohol – ABC Type 47 License) within a vacant approximately 3,040 sq. ft. indoor and 1,560 sq. ft. outdoor eating and drinking establishment 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 and objectives of the City’s General Plan as follows:

A. Land Use Element

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

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

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

The proposed project to permit the on-site sale, service, and consumption of alcoholic beverages (full service alcohol – ABC Type 47 License) within a vacant approximately 3,040 sq. ft. indoor and 1,560 sq. ft. outdoor eating and drinking establishment within the BECSP designation is consistent with Building Use Regulations and is compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs of 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 Element

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

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

The project is located along a major corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to strengthen the existing business and facilitate continued viability of the center.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 15-008:**

1. The site plan, floor plan, and elevation plan received and dated April 13, 2015, shall be the conceptually approved design with the following modification:
  - a. Prior to approval of final inspection, provide a revised site plan to demonstrate compliance with the minimum 1,908 sq. ft. of public open space pursuant to the Beach and Edinger Corridor Specific Plan (BECSP), Section 2.6.1.
  
2. The restaurant shall comply with the following:
  - a. Hours of operation for the restaurant shall be limited to between 8:00 AM and 11:00 PM Monday through Thursday, 8:00 AM and 12:00 AM (midnight) Friday through Saturday, and 8:00 AM and 10:00 PM Sunday
  - b. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, no dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 8:00 AM. **(PD)**
  - c. All alcoholic beverages shall remain within the interior of the restaurant and outdoor patio dining area per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
  - d. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
  - e. No “happy hour” or reduced price alcoholic beverage promotion shall be allowed after 7:00 P.M. each day of the week. **(PD)**
  - f. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
  - g. Signs shall be posted in a conspicuous space at the entrance/exit points of the patio, which shall state, “NO ALCOHOLIC BEVERAGES BEYOND THIS POINT”. **(PD)**
  - h. An employee shall maintain continuous supervision at all times of the patio area when the patio area is being utilized for the sales, service or consumption of alcoholic beverages. **(PD)**
  - i. 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)**
  - j. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment is not allowed on the patio. **(PD)**
  - k. 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)**
- i. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**
  - m. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
  - n. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
  - o. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. **(PD)**
  - p. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
  - q. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
  - r. 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 and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times.
  - s. Dancing and live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City.
  - t. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license authorizing alcohol use within the restaurant and outdoor patio dining area, 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.
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. 15-008 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. 15-008 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. 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.

#### **COMMISSIONER MANDIC RETURNED TO THE ROOM.**

- B-3. ZONING TEXT AMENDMENT NO. 14-002 (UTILITY DATA COLLECTION UNITS)** **Applicant:** City of Huntington Beach **Request:** To amend Section 230.96 (Wireless Communication Facilities) of the Huntington Beach Zoning and Subdivision Ordinance by adding definitions for City property and data collection unit and simplifying the process for installation of such infrastructure. **Location:** Citywide **City Contact:** Tess Nguyen, Associate Planner

**STAFF RECOMMENDATION:** Motion to: "Approve Zoning Text Amendment No. 14-002 with findings (Attachment No. 1) and forward Draft Ordinance (Attachment No. 2) to the City Council for adoption."

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project.

#### **THE PUBLIC HEARING WAS OPENED.**

Jennifer Vaughn, SoCal Gas Company, spoke in support of Item No. B-3. She spoke against the requirement for camouflaging paint as that may potentially void the warranty on the units. She stated that the units should be required to blend in with the surroundings when technically feasible.

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

There was a brief discussion regarding the process for unit placement approval. Ms. Nguyen reviewed the approval process proposed in the zoning text amendment.

There was a brief discussion regarding the camouflaging of the units.

Commissioner Hoskinson expressed concern that another agency might seek to add video surveillance to the facilities. Paul D'Alessandro, Deputy City Attorney, noted that the language in the Zoning Text Amendment specifically limited the units to gas and water meter data collection. Any other type of data collection or surveillance would require a code amendment. There was a lengthy discussion regarding limiting data collection units solely to water and gas data collection units.

**STRAW VOTE #1**

**A motion was made by Hoskinson, seconded by Mandic, to require any other agencies wishing to add wireless communication or data collection units would be required to be reviewed by the Planning Commission and the City Council.**

**MOTION WITHDRAWN BY HOSKINSON**

**A MOTION WAS MADE BY KALMICK, SECONDED BY BRENDEN, TO APPROVE ZONING TEXT AMENDMENT NO. 14-002 WITH FINDINGS AND FORWARD DRAFT ORDINANCE TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:**

**AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: None**

**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 exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements CEQA because the request is a minor amendment to a zoning ordinance that does not change the development standards intensity or density.

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 14-002:**

1. Zoning Text Amendment No. 14-002 to amend Section 230.96 (Wireless Communication Facilities) of the Huntington Beach Zoning and Subdivision Ordinance is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan including:

*A. Land Use Element:*

Goal LU 2: Ensure the development is adequately served by transportation infrastructure, utility infrastructure, and public services.

**B. Utilities Element:**

Goal U 5: Maintain and expand service provision to the City of Huntington Beach residences and businesses.

Objective U 5.1: Ensure that adequate natural gas, telecommunication and electrical systems are provided.

Policy U 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

**C. Economic Development Element:**

Policy ED 2.3.1: Strive to reduce all discretionary permit and licensing processing time.

The proposed Zoning Text Amendment allows data collection units of a certain size to service the needs of the residents and businesses and continue to provide processing incentives for those facilities that meet certain standards. It continues to require all associated structures to be compatible with the surrounding environment.

2. In the case of the general land use provisions, the change proposed is compatible with the uses authorized in, and the standards prescribed for the zoning districts for which it is proposed. Zoning Text Amendment No. 14-002 will revise the citywide wireless communication facilities ordinance. It will not affect zoning of any property or the allowed uses and development standards of any zoning district.
3. A community need is demonstrated for the change proposed. Zoning Text Amendment No. 14-002 will reflect the City's desired approval process and design requirements for data collection units in consideration of maximizing the goals of the General Plan.

Its adoption will be in conformity with public convenience, general welfare and good zoning practice because Zoning Text Amendment No. 14-002 will continue to allow wireless communication facilities while protecting the community's general welfare and quality of life through the new permitting process.

**C. CONSENT CALENDAR - NONE**

**C-1. PLANNING COMMISSION MINUTES DATED FEBRUARY 10, 2015**

**RECOMMENDED ACTION:** Motion to: "Approve the February 10, 2015, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY KALMICK, SECONDED BY SEMETA, TO APPROVE THE FEBRUARY 10, 2015 PLANNING COMMISSION MINUTES AS AMENDED, BY THE FOLLOWING VOTE:**

**AYES:** Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**MOTION APPROVED**

**C-2. PLANNING COMMISSION MINUTES DATED FEBRUARY 24, 2015**

**RECOMMENDED ACTION:** Motion to: "Approve the February 24, 2015, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY SEMETA, SECONDED BY KALMICK, TO APPROVE THE FEBRUARY 24, 2015 PLANNING COMMISSION MINUTES AS AMENDED, BY THE FOLLOWING VOTE:**

**AYES:** Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**MOTION APPROVED**

**D. NON-PUBLIC HEARING ITEMS - NONE**

**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**

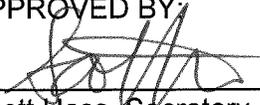
Commissioner Semeta reported on the recent Design Review Board meeting that she attended. She also thanked the Huntington Beach lifeguards for their work.

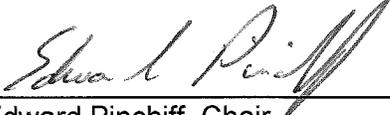
Commissioner Pinchiff thanked the 4<sup>th</sup> of July Executive Board for their work on the 4<sup>th</sup> of July festivities.

Commissioner Hoskinson echoed Vice-Chair Pinchiff's comments and also thanked the Police and Fire Departments for their work on the 4<sup>th</sup> of July.

**ADJOURNMENT: Adjourned at 8:36 PM to the next regularly scheduled meeting of Tuesday, July 28, 2015.**

APPROVED BY:

  
\_\_\_\_\_  
Scott Hess, Secretary

  
\_\_\_\_\_  
Edward Pinchiff, Chair