



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 28, 2016

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 A

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

Commissioner Hoskinson was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY BRENDEN, SECONDED BY SEMETA, TO APPROVE THE PLANNING COMMISSION AGENDA OF JUNE 28, 2016, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Semeta, Pinchiff, Mandic, Brenden

NOES: None

ABSENT: Hoskinson

ABSTAIN: None

MOTION APPROVED

A. PUBLIC COMMENTS – NONE

B. PUBLIC HEARING ITEMS

- B-1. CONDITIONAL USE PERMIT NO. 16-019 (BOARD AND BREW BEER AND WINE) Applicant: Sam Abraham, 26691 Plaza #255, Mission Viejo, CA 92691
Property Owner: Regency Centers, Celena Vandegrift, 420 Stevens Avenue Suite 320, Solana Beach, CA 92075 Request: To permit the on-site sale, service, and consumption of beer and wine (ABC Type 41 License) within an approved approximately 1,800 sq. ft. vacant restaurant space and 475 sq. ft. outdoor dining area. Location: 19720 Beach Boulevard #103, 92648 (east side of Beach Blvd., between Yorktown Ave. and Adams Ave.) Environmental Status: The project is categorically exempt pursuant to Section 15301, Class 1 of the California Environmental Quality Act. City Contact: Jessica Bui

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 16-019 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Crowe visited the site.
- Commissioner Kalmick spoke with staff.
- Vice-Chair Semeta visited the site.
- Chair Pinchiff visited the site.
- Commissioner Mandic had no disclosures.
- Commissioner Brenden had no disclosures.

Jessica Bui, Assistant Planner, gave the staff presentation and an overview of the project.

Chair Pinchiff asked staff if any public comments in opposition had been received. Ms. Bui stated that no public comments in support or opposition have been received.

THE PUBLIC HEARING WAS OPENED.

Pete LoPresti, co-applicant, spoke in support of Item No. B-1. He reviewed the concept and hours for the proposed restaurant.

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

A MOTION WAS MADE BY KALMICK, SECONDED BY SEMETA, TO APPROVE CONDITIONAL USE PERMIT NO. 16-019 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

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 Section 15301, Class 1, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-019:

1. Conditional Use Permit No. 16-019 to permit the on-site sale, service, and consumption of beer and wine (ABC Type 41 License) within an approved approximately 1,800 sq. ft. restaurant and 475 sq. ft. outdoor dining area 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 use is located within an existing multi-tenant commercial center with other similar commercial uses. The service of alcohol will benefit and serve the other uses in the center and residential uses in the vicinity. The

restaurant is not anticipated to generate additional noise, traffic, or other impacts above existing conditions. 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 contained within the building's interior and 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 beer and wine (ABC Type 41 License) within an approved approximately 1,800 sq. ft. restaurant and 475 sq. ft. outdoor dining area at an existing multi-tenant commercial center will be compatible with surrounding residential and commercial uses because the project is located within an existing mixed-use center and is approximately 560 feet away from a residential use, which is buffered by the building itself, a parking lot, drive aisle, and Beach Boulevard. The restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible with 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 beer and wine (ABC Type 41 License) within an approved approximately 1,800 sq. ft. restaurant and 475 sq. ft. outdoor dining area an existing multi-tenant commercial center 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. The proposed use will comply with all building occupancy/exiting requirements.
4. The General Plan Land Use Map designation on the subject property is currently M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay). The request to permit the on-site sale, service, and consumption of beer and wine within an approved approximately 1,800 sq. ft. restaurant and 475 sq. ft. outdoor dining area alcohol at an existing multi-tenant commercial center is consistent with the General Plan land use designation of Mixed Use and the objective and policies of the City's General Plan as follows:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

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 use is compatible with the existing commercial uses in the shopping center such as retail, restaurants, and offices. The site is located within the BECSP designation and the use is consistent with applicable 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 expansion of alcohol sales 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 primary corridor of the City that contains existing restaurants and retail. 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. 16-019:

1. The site plan, floor plan, and elevation received and dated April 25, 2016 shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. Restaurant business hours shall be limited to 8:00 AM to 10:00 PM daily.
 - b. Prior to sales, service or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the restaurant. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License. **(PD)**
 - c. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
 - d. 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)**
 - e. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
 - f. 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)**
 - g. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
 - h. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
 - i. All alcoholic beverages shall remain within the interior of the restaurant and within the confines of the fenced in patio dining area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). Service of alcoholic beverages for consumption off-site will not be permitted. A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant/patio. **(PD)**
 - j. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**

- k. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
 - l. All employees engaged in the sale or service of alcohol shall complete mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer. Records of the training shall be maintained on-site for review. **(PD)**
 - m. 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)**
 - n. 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)**
 - o. 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. **(PD)**
 - p. A sign shall be posted in a conspicuous space at the entrance/exit of the restaurant, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
 - q. No dining or consumption of alcoholic beverages shall be permitted in the outdoor patio area between the hours of 10:00 PM and 8:00 AM daily. **(PD)**
 - r. The patio area shall have a physical barrier 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
3. Signage shall be reviewed under separate permits and applicable processing.
4. 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 Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
5. Conditional Use Permit No. 16-019 shall become null and void unless exercised within two (2) 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 Community Development Department a minimum 30 days prior to the expiration date.

6. The Planning Commission reserves the right to revoke Conditional Use Permit No. 16-019 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.
7. 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.

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 - NONE

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Jane James, Planning Manager - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Jane James, Planning Manager – 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 Brenden reported on upcoming events in the city and noted that his family members were in attendance at tonight's meeting. He wished his fellow commissioners a happy 4th of July.

Vice-Chair Semeta wished her fellow commissioners a safe and happy 4th of July.

Chair Pinchiff reported on upcoming 4th of July events in the city.

ADJOURNMENT: Adjourned at 7:17 PM to the next regularly scheduled meeting on Tuesday, July 12, 2016, at 5:15 PM

APPROVED BY:



Scott Hess, Secretary



Edward Pinchiff, Chair