



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, OCTOBER 25, 2016

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

A P P P P P P

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

Commissioner Crowe was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY SEMETA, SECONDED BY MANDIC, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF OCTOBER 25, 2016, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

- A-1. ZONING MAP AMENDMENT 16-001/ ZONING TEXT AMENDMENT NO. 16-003/ LOCAL COASTAL PROGRAM AMENDMENT NO. 16-001/ NEGATIVE DECLARATION NO. 16-001 (SUNSET BEACH BEACHFRONT FLOOD REQUIREMENTS) **Applicant:** City of Huntington Beach **Request:** **ZMA:** To delete the current -FP3 (Floodplain Overlay) zoning designation on all beachfront properties in Sunset Beach which, among other things, requires new homes to be built on a pilings or caissons foundation. **ZTA:** To amend the Sunset Beach Specific Plan (SBSP) by deleting the requirement for new homes on beachfront properties to be constructed on pilings or caissons in accord with the 1985 County of Orange Coastal Flood Plain Development Study. The current Federal Emergency Management Agency (FEMA) flood insurance rate map is proposed to be used instead as the basis for new construction. **LCPA:** To amend the City's Local Coastal Program in accordance with ZTA No. 16-003 and ZMA No. 16-001. **ND:** To analyze the potential environmental impacts associated with the proposed project as required under the California Environmental Quality Act. **Location:** Sunset Beach beachfront properties (151 parcels bounded by Anderson Street to the north, Warner Avenue to the south, the Pacific Ocean to the west, and South Pacific Avenue to the east in Sunset Beach) **City Contact:** Ricky Ramos, Senior Planner

Ricky Ramos, Senior Planner, gave a brief overview of the proposed project.

There was a brief discussion regarding the determination for the type of foundation required on a site. Mr. Ramos reviewed that process and noted that there is nothing preventing a developer from going above and beyond the code requirements for the site.

There was a brief discussion regarding the Environmental Assessment Committee's recommendation for a Negative Declaration. At the commission's request, Mr. Ramos indicated that the City Engineer cast a dissenting vote due to the lack of an updated flood study. Commissioner Kalmick asked for clarification on making the findings for the ZTA without an updated flood study. Mr. D'Alessandro noted that legislative items, such as a ZTA, do not require findings for action. There was a brief discussion regarding relying on FEMA for flood zone determinations. Mr. Ramos noted that this area of Sunset Beach is the only section of the city currently under a higher standard than the FEMA recommended designation.

There was a brief discussion regarding the sand replenishment program along the beach.

B. STUDY SESSION ITEMS - NONE

C. PUBLIC COMMENTS

Karen Otis, Otis Architecture, spoke in support of Study Session Item No. A-1. She stated that most cities she has worked in follow the FEMA flood zone designations and allow foundation types to be determined through soil analysis.

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Jane James, Planning Manager, noted that there was one Late Communication item for Public Hearing Item No. B-1.

E. PLANNING COMMISSION COMMITTEE REPORTS - NONE

F. PLANNING COMMISSION COMMENTS

Commissioner Mandic requested that staff provide more detailed plans for proposed projects.

5:51 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Kalmick

A P P P P P P

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

Commissioner Crowe was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY BRENDEN, SECONDED BY MANDIC, TO APPROVE THE PLANNING COMMISSION AGENDA OF OCTOBER 25, 2016, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PUBLIC COMMENTS - NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 16-030 (MOTHER'S MARKET AND KITCHEN BEER AND WINE) Applicant: Deborah Rubino, Mother's Market and Kitchen Property Owner: Stephen Margrave, Regency Centers Request: To permit on-site sale, service, and consumption of beer and wine (ABC Type 41 License) within an existing 1,804 sq. ft. eating and drinking establishment. Location: 19770 Beach Blvd., 92648 (east side of Beach Blvd., between Yorktown Ave. and Adams Ave. – Newland Center) Environmental Status: The project is categorically exempt pursuant to Section 15301, Class 1 of the California Environmental Quality Act. City Contact: Joanna Cortez, Assistant Planner

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 16-030 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Kalmick has visited the site.
- Vice-Chair Semeta has visited the site.
- Chair Pinchiff has visited the site.
- Commissioner Mandic had no disclosures.
- Commissioner Brenden had no disclosures.
- Commissioner Hoskinson has visited the site.

Joanna Cortez, Assistant Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the alcohol license being requested. Ms. Cortez confirmed that the type 41 license is for service in the restaurant portion of the site and the type 20 is for the market portion of the store. Ms. Cortez noted that the conditional use permit is for the restaurant only, as the market portion is less than 10 percent of the floor area and does not require a conditional use permit.

THE PUBLIC HEARING WAS OPENED.

Deborah Rubino, applicant, spoke in support of Item No. B-1, thanking the Planning Commission for their time and consideration.

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

A MOTION WAS MADE BY BRENDEN, SECONDED BY KALMICK, TO APPROVE CONDITIONAL USE PERMIT NO. 16-030 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson
NOES: None
ABSENT: Crowe
ABSTAIN: 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 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. 16-030:

1. Conditional Use Permit No. 16-030 to permit the on-site sale, service, and consumption of beer and wine (ABC Type 41 License) within an approved approximately 1,804 sq. ft. restaurant within an existing retail market 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 beer and wine 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 beer and wine 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 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 1,804 sq. ft. restaurant within an existing retail market 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 474 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 beer and wine 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 1,804 sq. ft. restaurant within an existing retail market at 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 beer and wine 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 1,804 sq. ft. restaurant within an existing retail market 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 beer and wine 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. 16-030:

1. The site plan dated and received August 3, 2016 and the floor plan dated and received September 23, 2016 shall be the conceptually approved layout.

2. The use shall comply with the following:

- a. Restaurant business hours shall be limited to 7:00 AM to 9:30 PM daily.
- b. Prior to the sales of alcoholic beverages, the business shall obtain an ABC license authorizing On and Off Sale Alcohol Sales. The business shall be limited to a Type 41 (On-Sale beer/wine eating place) for the Café and a Type 20 (Off-Sale Beer & Wine) for the Market. All conditions contained in the ABC license shall be adhered to. **(PD)**
- c. All areas of the store where the sales, service, and consumption of alcoholic beverages occur shall be equipped with lighting with sufficient power to illuminate and permit the identification of patrons. **(PD)**
- d. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
- e. 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)**
- f. Alcoholic beverages shall only be served in conjunction with the purchase of food items in the café. **(PD)**
- g. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- h. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- i. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- j. All persons engaged in the sale or service of alcohol shall complete a 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 an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
- k. A sign shall be posted in a conspicuous space at the entrance/exit of the restaurant, which shall state, "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- l. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- m. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
- n. 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, shopping areas, and parking areas are covered by video surveillance.

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Director of Community Development - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Director of Community Development – 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

Vice-Chair Semeta reported on previous and upcoming events within the city.

Commissioner Brenden reported on previous and upcoming events within the city and gave special recognition to Community Services staff member Chris Cole for all his hard work on the recent air show.

Commissioner Mandic wished her fellow commissioners good luck in the upcoming elections.

Chair Pinchiff reported on previous and upcoming events within the city.

ADJOURNMENT: Adjourned at 7:17 PM to the next regularly scheduled meeting on Tuesday, November 08, 2016, at 5:15 PM.

APPROVED BY:



Scott Hess, Secretary



Edward Pinchiff, Chair