



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JANUARY 25, 2011

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* *P* *A* *P* *A* *P* *P*
Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan

Vice-Chair Mantini and Commissioner Farley were absent.

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY RYAN, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JANUARY 25, 2011, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

Commissioner Farley arrived at 5:25 PM

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY BIXBY, TO MOVE STUDY SESSION ITEM NO. C AFTER STUDY SESSION ITEM NO. A-3, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. ENVIRONMENTAL IMPACT REPORT NO. 10-002 (MURDY COMMONS/LEVITZ) – Jennifer Villasenor, Senior Planner

Jennifer Villasenor, Senior Planner, gave a brief overview of the proposed the project.

Bob Stachelski, Public Works Transportation Manager, briefly reviewed the traffic analysis for the project, as well as the allocation process for the traffic impact fees.

A-2. SITE PLAN REVIEW NO. 10-004 (SARES REGIS PROJECT) – Jennifer Villasenor, Senior Planner

Jennifer Villasenor, Senior Planner, gave a brief overview of the proposed the project.

There was a brief discussion regarding the potential for pedestrian and bicycle connectivity between this site and the Red Oak and Bella Terra sites.

A-3. GENERAL PLAN CONFORMANCE NO. 10-005 (LOMA EASEMENT) – Hayden Beckman, Planning Aide

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

B. STUDY SESSION ITEMS

B-1. CEQA DISCUSSION – Mary Beth Broeren, Planning Manager

Mary Beth Broeren, Planning Manager, gave a brief overview of the California Environmental Quality Act (CEQA).

B-2. CODE OF ETHICS – Chair Delgleize

Chair Delgleize reviewed the Code of Ethics.

B-3. 2011 PLANNING COMMISSION COMMITTEE ASSIGNMENTS – Chair Delgleize

Chair Delgleize discussed the committee liaison assignments.

C. PUBLIC COMMENTS

Nate Carlson, Sares-Regis Group, spoke in favor of Item Nos. A-1 and A-2. Commissioner Farley asked Mr. Carlson if Sare-Regis Group had any similar projects. Mr. Carlson indicated that he would provide the commission with addresses and names of similar projects.

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed the items for tonight's meeting. He noted that there are two Late Communications for Item No. B-1.

Scott Hess, Director of Planning and Building, reported that the City Council Strategic Workshop would be held on January 28, 2011, at the Central Library.

E. PLANNING COMMISSION COMMITTEE REPORTS – NONE

F. PLANNING COMMISSION COMMENTS – NONE

6:40 P.M – RECESS FOR DINNER

7:10 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Peterson

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

AGENDA APPROVAL

A MOTION WAS MADE BY MANTINI, SECONDED BY RYAN, TO APPROVE THE PLANNING COMMISSION AGENDA OF JANUARY 25, 2011, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 10-028 (BOMBURGER RESTAURANT ALCOHOL SALES) Applicant: Rob Sleenhof, Bomburger Restaurant **Property Owner: Robert Koury **Request:** To permit the sales and service of alcoholic beverages for on-site consumption within an existing 1,489 sq. ft. restaurant and 143 sq. ft. outdoor dining area. **Location:** 200 Main Street, Suite 114, 92648 (east side of Main Street, between Olive Avenue and Walnut Avenue – Downtown) **Project Planner:** Tess Nguyen**

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 10-028 with findings and suggested conditions of approval for the hours of operation for the restaurant, outdoor dining area, and alcohol sales and service between 11:00 AM and 12:00 AM (midnight) (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site, met with Kim Kramer, spoke with staff, and spoke to Councilmember Bohr.
- Commissioner Peterson has visited the site, spoke with Kim Kramer, and spoke to Councilmember Bohr.
- Vice Chair Mantini has attended the study session, visited the site, and spoke with the Huntington Beach Downtown Residents Association.
- Chair Delgleize has visited the site, spoken with several councilmembers, and spoke to staff.
- Commissioner Farley has visited the site, spoken to Kim Kramer, and is on the board of directors for the Huntington Beach Downtown Residents Association.
- Commissioner Bixby has visited the site, spoken to Kim Kramer, is a board member of the Huntington Beach Downtown Residents Association, and spoken to staff.
- Commissioner Ryan has visited the site and received an email from Councilmember Bohr.

Commissioner Farley asked Chair Delgleize if she spoke with Councilmember Bohr. Chair Delgleize confirmed this. Commissioner Farley asked Mr. Vigliotta if the contacts with Councilmember Bohr were an issue. Mr. Vigliotta advised that the meeting could continue.

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

There was a brief discussion regarding the intent of City Council Resolution No. 2010-005.

Commissioner Farley asked staff to explain the requirements to convert from a beer and wine Alcoholic Beverage Control (ABC) license to a full alcohol license. Ms. Nguyen indicated that the zoning code does not differentiate but that ABC requires a separate application. Police Captain William Stuart gave a brief overview of the Police Department's role in the ABC license process. Mr. Fauland noted that the Planning Commission could condition the project to only serve beer and wine, with any additional alcohol service requiring an Entitlement Plan Amendment.

There was a discussion on the occupancy limit and layout for the project site.

THE PUBLIC HEARING WAS OPENED.

Rob Sleenhof, applicant, spoke in support of Item No. B-1. He reviewed the options for guaranteeing that no alcohol service occurs after midnight. He noted that he is only interested in serving alcohol in addition to food, not in operating a bar.

Kim Kramer, Huntington Beach Downtown Residents Association, spoke in opposition to Item No. B-1, stating that he did not feel there was sufficient justification for an exception to City Council Resolution No. 2010-005.

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

Commissioner Farley recommended that the Planning Commission to vote to deny the request.

Commissioner Shier Burnett stated that she was unhappy with the concentration of alcohol in the downtown area but could not justify the findings for denial.

There was a brief discussion on the process that would follow any violation of an ABC license. Commissioner Shier Burnett confirmed with Captain Stuart that the Police Department does not oppose the applicant's request.

A MOTION WAS MADE BY FARLEY, SECONDED BY BIXBY, TO DENY CONDITIONAL USE PERMIT NO. 10-028 WITH FINDINGS FOR DENIAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR DENIAL

CONDITIONAL USE PERMIT NO. 10-028

1. Conditional Use Permit No. 10-028 to permit the sales and service of alcoholic beverages (beer and wine only) for on-site consumption within an existing 1,489 sq. ft. restaurant and 143 sq. ft. outdoor dining area within District 5 – Mixed-Use of the Downtown Specific Plan will 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 will create adverse noise or safety impacts to the surrounding businesses and residents based on the proposed type of alcohol service. In addition, based on community input and public testimony stating that the downtown has too many Alcoholic Beverages Control (ABC) licenses, the proposed addition of alcoholic beverage sales to an existing restaurant will be a detriment to businesses, residents, and public services.
2. The restaurant's operating hours of 11:00 AM to 2:00 AM will not comply with City Council Resolution No. 2010-05, standard conditions of approval for eating and drinking establishments with alcoholic beverage sales, which would require the business to close at 12:00 AM (midnight).

C. CONSENT CALENDAR – NONE

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

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

Chair Delgleize welcomed Commissioner Peterson to the Planning Commission.

Vice-Chair Mantini noted that the City Council may be considering a skate park in the Beach and Edinger corridors so an amendment to the Beach and Edinger Corridors Specific Plan may be coming before the Commission.

Commissioner Farley welcomed Commissioner Peterson to the Planning Commission.

Commissioner Bixby noted that he had appealed the Zoning Administrator approval of MND 10-077/CDP 10-011 (Magnolia Oil Storage Tanks Demolition) and asked staff when that would come before the commission. Mr. Fauland indicated that it would be brought before the Planning Commission within the next 30 – 45 days.

ADJOURNMENT: Adjourned at 8:05 to the next regularly scheduled meeting of Tuesday, February 8, 2011.

APPROVED BY:

Scott Hess, Secretary

Barbara Delgleize, Chairperson